

# SPEAHRhead

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**BULLETIN of the SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS**

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# UNIVERSAL DECLARATION OF HUMAN RIGHTS

*On December 10, 1948, the General Assembly of the United Nations proclaimed this declaration as "a common standard of achievement for all peoples and all nations."*

**Article 1.** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2.** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3.** Everyone has the right to life, liberty and security of person.

**Article 4.** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5.** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6.** Everyone has the right to recognition everywhere as a person before the law.

**Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9.** No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10.** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11.** (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.** (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country,

including his own, and to return to his country.

**Article 14.** (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15.** (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16.** (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17.** (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

**Article 18.** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19.** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20.** (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

**Article 21.** (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22.** Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23.** (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 24.** Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25.** (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26.** (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27.** (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28.** Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29.** (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30.** Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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# The Kuomintang's Turn Now

China's Public Security Minister Zhao Cangbi has announced that (subject to inevitable congressional approval) 4,237 Kuomintang prisoners will be released. Most of those affected, who include both civilians and former military people, have been imprisoned since the Chinese came to power--and some perhaps longer. It is unclear whether more recently-arrested "Kuomintang agents" are included. One hopes so.

We are pleased to acknowledge Peking's action, and we have almost no hesitation in doing so. We say "almost," because of the government's disturbing practice of "releasing" political prisoners to a condition that is, for all practical purposes, continued imprisonment. (Fu Yuehua Yuehua appears to be an example of this. The famous woman activist of the Democracy Wall era is now "voluntarily" on liu-chang, or long-term residence in the countryside.) Furthermore, we regret the political overtones of the commutation. We are told that the people being released will have "political rights." The explanation for their release is that "they have repented, and by-and-large have turned over a new leaf." (XH5M) The hope seems to be that the Kuomintang people on Taiwan will do likewise.

On Taiwan, such actions by the Chinese Communists are generally dismissed as "bandit propaganda." This time, the reaction was as skeptical as ever, though somewhat low-keyed. The amnesty, according to a KMT spokesperson, "may not serve its purpose."

We would hope for a more suitable response. At the very least, Taipei could let any of these people who wish to do so come to Taiwan (as Peking says they may). In the past, the KMT has allowed people from the PRC to enter Taiwan only when it suited local propaganda needs. In 1975, when SPEAHR's James Seymour took up various human rights matters with government leaders, the question of permitting recently-released Chinese political prisoners to come to Taiwan was the issue on which the authorities were the most unyielding. We hope that they will realize now that there is little propaganda mileage to be gained by denying people's rights. (See opposite page, Universal Declaration, article 13.)

An even more positive response would be for the Kuomintang to release political prisoners held in Taiwan, many of whom have been imprisoned for as long as have the people being amnestied in China (and pursuant to similar allegations). Whether or not these people can be considered prisoners of conscience (and we suspect that most of the political prisoners on both sides can be so considered), it is truly inhumane for the Chinese Nationalists to continue these now very old men.

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# LETTERS

To the Editor:

I have been reading several back issues of SPEAHRhead (and also James Seymour's book "The Fifth Modernization") for several days now. How refreshing to hear the voices of real human beings from China at last! I must congratulate you all for a job well (and courageously) done.

Although the standards of the journal are high, I cannot refrain from pointing out the one area in which I think there is some room for improvement, and that is in the conception of what constitutes "religion." As scholars of the history of religions have recognized for decades now, and as Mircea Eliade in particular has argued eloquently in his magnificent books, all modes of human religious experience and expression share the same intensity, dignity and integrity. This is as true of the shamanist religions of tribal societies (which are far more complex and evolved than their Hollywood movie image) as it is for the monotheistic religions. The term "superstition" (see SPEAHRhead 8, p. 10), as any cultural anthropologist knows, says nothing of the culture it purports to describe. However it says volumes about the person who uses it, revealing him to be unaware of the fact that, by definition, every culture believes its own belief system to be true!

There is only one legitimate approach to the understanding of religion in the contemporary world--the anthropological approach. Thus, the analysis of freedom of religion in China should be assigned to a scholar of Chinese religion, not to a missionary or a representative of any church, whose interests remain primarily one-sided.

Reports in the West on the status of religion in China have long placed a disproportionate emphasis on Christianity. Christianity is not a Chinese religion, and plays a minimal role in Chinese history. Any attempt to fathom the degree of freedom of religion in China must focus on: (1) Daoism (Taoism) as an organized religion; (2) Buddhism (which may either exist in eclectic form or may still preserve the purity of its individual sects); and (3) Chinese folk religion.

This last, in keeping with my discussion above, and with recent scholarship in the field, must be seen for what it is: a full-fledged religious system, comprising elements shared in common with Daoism, Buddhism and Confucianism, but in a sense predating and perhaps underpinning them all. For, as is emerging clearly, the pervasive Chinese reli-

gion has always been the true spiritual substratum of the culture, and has always involved the participation not only of the peasants but of the entire literati class and even the emperor himself. Elements of the system are: ancestor worship, including the spiritually and aesthetically beautiful practice of burning paper money and paper sculptures (magnificent examples of ephemeral folk art which anticipate by centuries the modernist notion of ephemeral art) to the ancestors and/or gods, offering of incense and fruit, etc., to local gods on the occasion of festivals, the festivals themselves with their rich panoply of practices and theoretical structure, and so on.

The real question in the minds of those concerned with religious practice in China today is this: What has happened to the perennial complex of religious practices known as folk religion? The Chinese have based their lives upon it for centuries, and continue to do so in Taiwan and Hong Kong, but what is the psychological impact of having the beliefs of the ages suddenly, systematically attacked by one's rulers? Are people still going on pilgrimage to the sacred mountains (I notice your account of Mount Tai being reopened)? Is the incense still burning?

(Prof.) Jonathan Chaves

George Washington University

*We are glad to hear Professor Chaves' comments on our treatment of religion. We had not given much thought to the distinction between religion and superstition, or whether the latter term has any legitimate use. From a strictly human rights point of view, one can argue that this is probably not very important. Presumably, everyone has a right to practice his or her whatever, so long as other people's rights are not interfered with. Still, on referring back to the Crossreference section of SPEAHRhead 8, p. 10, which he cites, we are readily persuaded that this should not have been termed "superstition." The reason that it was is that we tend to accept PRC terminology unless there is a compelling reason not to. If the term is pejorative, we try to avoid it, and should have in this case.*

*For a couple of reasons, Chaves does not have us completely persuaded that the word "superstition" should never be used. If people devote a lot of time and resources in search of a "sacred drug" rather than seeking a more scientific way to cure what ails them, then we need some word other than religion to describe the phenomenon. Secondly, the*

PRC government insists on making a clear distinction between the two, and if we are to discuss PRC policies intelligibly, we have to have the vocabulary. (See Ching Feng, 1980 #2, p. 78 f.)

We agree that most Western coverage of China gives a disproportionate emphasis to Christianity. We are somewhat guilty on this score, as our one major article on religion in China was indeed primarily about Christianity (SPEAHRhead 8). However, in the Crossreference sections we try to give equal attention to all religions.

PROFESSOR CHAVES REPLIES: On the subject of "superstition:" The belief in a "sacred drug," both for ordinary healing purposes and as a catalyst of religious experience, is part of the whole complex of shamanist religion and what is now being called "folk healing." Many of the drugs in question really do have healing properties and are frequently worshipped as deities themselves. See Peter T. Furst, "The Flesh of the Gods," Michael Harner, "Hallucinogens and Shamanism," etc. The Christian belief that a wafer can become or actually is the sacred flesh of God is directly related to this whole complex, the difference for our society being that many people here believe it to be true! So we're back to the element of belief as opposed to anything scientifically verifiable.

It is worth noting that science itself is increasingly interested in the folk healing phenomenon, both for the physical properties of many of the drugs, and also because of the increasing recognition of the importance of psychosomatic factors in exacerbating, or even causing, certain kinds of illness. Many folk healing traditions deal better with the latter than does modern scientific medicine, which often produces doctors who are notoriously insensitive to psychological or spiritual needs of frightened patients.

As for the Chinese, they have tried to create a hybrid medicine which combines the best of traditional Chinese folk medicine with modern scientific medicine. What the Communists fail to realize, however, is that one cannot, with total success, remove one element (e.g., the drug itself) from what anthropologists would recognize as a whole belief system in which it plays a part, which might include actual worship of the plant as a spiritual entity (as with many American Indian practices). To do so may be to upset the delicate equilibrium of the system, in which belief of great strength actually helps engender susceptibility to physical cure by the drug. (See Carlos Cas-

teneda's books on "Don Juan.")

This brings us to the interesting point raised editorially that the Communists insist on differentiating between "religion" and "superstition." As Edward Said indicates in his great book, "Orientalism," Marxism here is actually in full accord with the Western rationalist tradition (of which, indeed, it is a very nineteenth-century outgrowth) in its blindness to cultural values. Marxism, in essence, says that cultural differences among peoples pale in significance before the class struggle.

This misunderstanding led in turn to the Marxist assumption that the Lithuanians, et al., would be delighted to have the Soviets dominate them. True (this line of thinking went), the Soviets were not fellow Lithuanians, but they had an historically more "advanced" society in which the class struggle had started to come to a head! Needless to say, actual history has proven them tragically wrong: The Lithuanians, like anyone else, do not desire to be dominated by another group of people, no matter how "enlightened" or "historically advanced!"

Similarly, Marxism's blindness to cultural anthropological values leads Marxists to take individual beliefs out of cultural context, and dub them "superstitious" if they cannot be proven scientifically. They grudgingly admit that such a thing as "religion" exists, I believe, out of a certain respect for the institutional structures found in the large organized religions. Even these, however, run into considerable trouble in Marxist countries, as is well known. Again, there is a failure on the Marxists' part to perceive the true nature of religion, which is founded in the beliefs and behavior of human beings; many religions do not organize into hierarchical churches but are structured in a different way and on a different level. Such, for instance, is Chinese folk religion itself--the very backbone of the traditional Chinese community but very loose in its temple organization.

In short, except where we are actually translating a Chinese communist source, we should follow the Confucian principle of "rectifying the names" and not refer to Chinese folk religion as "superstition." Admittedly, it is hard for Westerners to see this as religion. We are in the habit of thinking of religion as something which, by definition, has an organized church hierarchy. (Note all the attention to Islam in China--really an extremely minor issue there!) This, again, is because Marxism and liberal rationalism both stem from the scientism of the nineteenth century, before cultural anthropology was on the scene to demonstrate (CONT'D P. 25)

# Two Taiwanese women speak out against the persecution of their husbands.

## On Chen Wen-cheng

By CH'EN SU-JEN

*The following is a statement by the widow of the distinguished Carnegie-Mellon mathematician. Dr. Ch'en was killed last July after being interrogated by the Taiwan Garrison Command.*

I am profoundly aware of the deep interest and concern that the death of my husband Chen Wen-cheng has generated, and I would like to take this opportunity to thank everyone for, their concern, to express my thoughts about these matters, and to indicate my hopes for the future.

My husband's death was not a suicide [as claimed by Taiwan's Chinese Nationalist rulers]. It was murder. Suicide was not his way. He had a future full of potential. He had a new son and a family that he loved and felt proud of, and he had an active and promising career. He was a brilliant and courageous man who loved life and had everything in the world to live for.

Nor was his death an accident. From the minute that I saw his body in the funeral parlor to which it had been taken by the police, I knew that it was not an accident. There were just too many unexplained external wounds, such as a cluster of punctures on his right elbow, a deep wound on his left knee, and three long parallel bruises on his back. In the official autopsy report, these wounds were either mentioned briefly without any explanation of how they might have occurred or they were not mentioned at all.

Only family members were allowed to see his body. Among the many bodies in the funeral parlor, his was the only one that could not be viewed by others.\*

I would now like to describe a few of the other circumstances sur- (CONT'D P. 10.)

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\*Eventually, two Americans, Dr. Richard Cyert and Professor Morris DeGroot, were permitted to examine the body. They concluded: "Dr. Ch'en was a victim of homicide," and that his death had been caused by his being dropped from an upper floor while he was unconscious.

## On Yao Chia-wen

By CHOU CHING-YU

*The following article appeared in the Taiwanese magazine Care, No. 2, November 25, 1981. Chou Ch'ing-Yü's husband is Yao Chia-wen, who is one of Taiwan's best-known lawyers. Yao was arrested--together with numerous of other prominent native Taiwanese --in December 1979 in the aftermath of the Kaohsiung incident. The authorities did not allow him to see his family until two and a half months after the arrest. That April he was sentenced to twelve years imprisonment. In December 1980 Chou Ching-yü won a seat in the National Assembly with an overwhelming majority of the popular vote. (Translation courtesy ICHRT.)*

It has been almost two whole years. Until today, seven hundred and twenty days have gone by, and I still cannot quite believe that my beloved husband is really locked up in prison.

Week after week I anxiously wait for Wednesday to come. For that day I prepare a never-ending list of things to tell him, together with information, photographs, books, clothing, and food. Then I nervously go to the Hsin-tien military detention center outside of Taipei. There, I am allowed to "see" him through a glass wall and iron bars. And I "talk" to him through a monitored "telephone" (which has a recorder connected to it). Beside me are several "accompanying" personnel; whenever the conversation does not suit their ears, they immediately warn me: "You can only discuss family matters." Sometimes the telephone is abruptly cut off. In spite of the unpleasant environment, I always look forward to the most precious 30 minutes of every Wednesday when I can see my husband.

Early in the morning I hurry to the Hsin-tien Detention Center. The wall of the military detention center is so high and long. Actually, I am not interested in knowing how long it is; I only know that on top

of the wall is barbed wire. Several armed guards are on duty. The iron gate is huge and it is constructed of heavy iron bars. The iron gate has a small door in it but it too is tightly shut. A small window on the top of the small door is the only channel of communication between the inside and the outside of the wall. Through this opening the visitor must hand in his or her identification card to the armed guard inside and explain the visit. Having checked that everything is in order, they open the small door for you to enter. It is immediately shut again.

Visitors must be blood relatives of a prisoner. Only one person is allowed past the small iron door at a time (unless there are more visitors for one prisoner; then the maximum is three people at the same time.) The guards work very slowly and are absolutely oblivious as to how many families are waiting in line along the main road outside the wall; or how cold the weather is; or how hot the sun shines; or how hard the wind blows and the rain falls.

With my head bowed, my back hunched, I enter the small door. Once I am inside, I must first register at a small office. I again submit my identification card. They record in their book my ID number and my relationship with the imprisoned. Finally, I am granted a visit permit. Everything I have brought along--my purse, packages, books, clothing, food--has to be opened for a very thorough examination. Having checked that everything is in order, they finally let me go. I walk across the long courtyard, pass through three gates guarded by armed security men, and finally come to a big hall.

On the right-hand side of the big hall is a store, which has a complete stock of consumer goods--towels, toothbrushes, soap, even fruit, bread, ice cream, and soda. The price is at special discount. The function of the store is to serve the military personnel who work at the military detention center. Families of imprisoned people can also purchase goods here and then request the store to deliver it to the prisoners. The prisoners themselves, though locked in their cells, can purchase items from the store by submitting a written request. It happened once that my dear husband ordered a package of powdered milk and two packages of frozen boiled dumplings and asked the people in the store to give it to me. At the beginning I didn't know from whom it came, but after I realized that it was from him, I was moved to tears. Recently I received another present--a small bottle of Chinese medicine. Again, it had come from the prison store.

After I enter the big hall, I must again register at a window on the right-hand side of the hall. I receive an application form on which I must fill in my name, address, age, occupation, relationship with the prisoner, and prisoner's term of sentence. After the application is approved, we then receive a number. The procedure for registration is now completed. The next thing is to wait for my turn.

While I am waiting, I hand in things I have brought along for my husband--food, books, clothing--at the delivery window. Of course, everything has to be recorded and thoroughly examined.

During the early part of the imprisonment, families tried to bring food for the prisoners, but this was not allowed. The reason given by the authorities was that they were afraid that the food would contain poison! But the families persisted in their request to deliver food. Then the rule was changed: Relatives could give the prisoners food, but it had to be purchased at the store there in the military detention center. Finally the ban was lifted and families are now allowed to deliver food, under the condition that it has been thoroughly examined by the authorities. Such restrictions were not imposed on families of the other prisoners; only families of the Kaohsiung prisoners receive so much "special treatment." Fortunately, all of us were persistent enough in our demand to deliver food and were able to gain permission to do so. Now we can regularly prepare food for our loved ones. Every week, with the utmost care, I make a few dishes for my dear husband. I also try to decorate them so that the food will look appetizing and colorful. Unfortunately, the guards mess it all up during their "thorough examination." After they stir it round and round, the dishes look messy and ugly.

I am allowed to deliver two books per week. They have to be recorded and then examined. There is no standard as to what kind of books are permitted. Nobody knows whether the prisoners will receive the books. We only know that books or magazines related to politics are banned. But books like Sun Yat-sen's "Three People's Principles," Chiang Kai-shek's "Russia in China," or Chiang Ching-kuo's "Tranquility in the Storm" are allowed. I cannot comprehend why religious hymns or an English Bible are not allowed. All foreign language books are forbidden. From the very beginning we have tried to determine which other books are not allowed. However, it seems that there is no consistency as to which books are permitted, and which ones are not. It depends on your luck when



you deliver the books. Of course, some items such as belts, neck-ties and stockings, which presumably could be used by the prisoners to harm themselves, are not allowed in. But the prisoners are also deprived of their watches, which are retained by the detention center. I cannot understand why prisoners cannot keep their own watches!

Families can leave pocket money for the prisoners at the delivery window. The money is kept in the store, as the prisoners are not allowed to have any money in their possession. Whenever a prisoner wants to buy something, he submits a written request to the store. The store takes care of the bookkeeping for the prisoners. Presumably there is a reason why the prisoners cannot keep their own money, but I have not been able to figure out what it is.

The waiting room is on the left-hand side of the big hall. There are four rows of clean and nice-looking benches in it. Relatives wait here for their turn. As there are so few opportunities to see each other, families make good use of these occasions to exchange information, concern, gifts and food. When strangers appear, they are recognized as families of new prisoners. Especially when we see the sad faces in tears, we cannot help but to offer comfort and help. People in the same predicament are usually quicker to offer concern to each other.

A board with numbers hangs on the wall of the waiting room. When the bell rings, a number on the board blinks. It indicates that it is now someone's turn for the meeting. The precious period of 30 minutes is about to begin.

The door to the meeting room is a very unimpressive wooden door. A guard stands next to it. I must show him my number. Having checked my identification, he allows me to go in. I have heard that before the Kaohsiung incident, this door was never closed. The families could go in and out without restriction. After the Formosa Magazine incident, when people like my husband came, it became much more restrictive.

Through the wooden door, I enter a very small room. On one side is a glass wall. Behind the glass wall are iron bars. There are eight tightly shut windows on the glass wall. Each window has a number. Below the window is a long wooden board. Below the wooden board hangs a telephone and a chair stands next to it. Through the glass and the iron bars we see our loved ones. Both the prisoner and my-

self are accompanied by agents who constantly say to us: "Only talk about family matters." On the right-hand side is a draped room. I have heard that this is the place where they monitor and record our telephone conversations. I feel sorry for the people who have to monitor and record our conversations. I have heard that they must submit a written report on every word we say. But the families only talk about matters without substance. Too bad we put them to so much trouble!

Because this precious half hour is so short, I must make good use of every second. I don't want him to feel separated from the outside world, so I read the newspapers carefully and I prepare messages on cards before I go to the prison to visit him. During the meeting I try to catch a right moment to give him a quick news report from my cards. Because I want him to see the outside world, I take pictures and during the meeting I try to show these pictures so that he can see that the outside world still exists. I don't want him to feel hopeless so I usually hide several magazines and nervously wait for an opportunity to display them at the fastest speed in front of the glass so that he can have a quick glance at the cover, or the title. Because I am afraid of being overheard and recorded, I put names of concerned friends on cards and find an opportunity to display it in front of the window so he knows that many friends are thinking about him. I want to make good use of the rare opportunity to deliver two books per week to him. Because I want him to have the ones he will find most interesting, every week I carry a basketful of books, and display them one by one in front of the glass so that he can choose the ones he likes best. But there is no guarantee that he will get them. Well, I can only do my best. I also take notes of everything he wants me to do. Thirty minutes is so short! But the new chief of the Military Detention Center was probably right when he said to us: "Even if we gave you a life time here, you would never finish talking."

When I see friends or even strangers, their first question is always: "Is he OK?" I always answer: "He is in jail. How can he be OK?" But he is calm and at peace. He does not have too many illusions. He tries to read. He misses everyone very much. To be honest, the present condition is much better when compared to the early period of detention. Then he was interrogated day and night, threatened, intimidated and abused. Now every day he can spend two hours outside his cell; he has this limited freedom of movement. One



day a week he can move around, play sports or read in the library. The rest of the time he is locked up in his cell. The three meals are served right on schedule: lunch is at 11:00 o'clock in the morning, dinner is between 4 and 5 o'clock. They eat the same meals as ordinary soldiers. Special dishes are added on Chinese New Year and other special occasions. Yao Chia-wen came from a poor family, so he is never fussy about food.

I have heard that the size of their room is only about eight by twelve feet. There are no beds, so they sleep on the floor. It seems that the former prisoners did not have good hygienic habits, so bugs were crawling around in the room. It improved after a good cleaning-up. The number of prisoners in a room varies from time to time—from one to four. Prisoners who share the same room must be from different cases. The authorities try to prevent the prisoners of the Kaohsiung incident from seeing and talking to each other. There is a toilet in the room. There is also a hole in the wall for food delivery. The four walls in the room are covered with thick foam pads, and there is no ventilation. It sometimes gets very warm and humid in the room. In the winter it is still bearable, but in the summer the temperature in the room is awfully high. Some prisoners only wear shorts and try to cool off by constantly wiping their body with a damp towel.

There are no tables or chairs in the room. If you want to write, you have to crawl on the floor, or use books as pads or simply use your ingenuity. An ancient saying goes: "When people are poor, they try to change things; a change usually bring a solution." I can receive a letter from him every week. I am sure it was created under these conditions.

According to the regulations, he can send out two letters per week. Each letter cannot exceed two hundred words. He also can receive letters from family members, but he does not receive every letter that is sent to him. Yao Chia-wen has not yet received any of the letters that his friends have sent to him, nor has he received any of the birthday cards, or Christmas cards that were sent to him. I am still not clear what the rules are for receiving mail, and there seems to be no way I can find out from the prison authorities; they simply refuse to tell us.

Before the National Assembly election in December 1981, Yao Chia-wen was able to leave his cell to go to the work area where he drew face masks from characters in Peking opera. I have heard that he was peaceful and got along well with others. But after I won the elec-

tion as a Assembly member (with the highest number of votes of all candidates) Yao Chia-wen was kept back in his cell. I have learned that he did nothing wrong, that he did not fight or quarrel with anyone. Why was he returned to his cell? For what reason? Of course, I have heard a lot of rumors. I think the authorities know the real reason.

The prison conditions have improved compared to when they first arrived. They are allowed to read one- or two-day old issues of Central Daily News. Even though it is the official publication of the KMT, the prison authorities censor it nonetheless. So many articles have been cut out that the prisoners now refer to it as the "holy" paper!

A saying says: "Nobody is a saint; who can be free of committing errors?" Even good people will sometimes make mistakes. Not all the people who are serving jail sentences are bad people. Some have actually wronged, and others have unwillingly made mistakes due to negligence. Of course, in order to maintain order, the government must enforce the law. But the law must be applied in a reasonable manner. Overdoing it will have unintended effects.

It was unfortunate enough that the Kaohsiung incident occurred. But after reviewing mistakes, we can only improve by moving forward. A common proverb says: "A prison sentence is not a form of revenge or punishment, it is an opportunity for rethinking, reeducation and reexamination." Thus, those who are serving jail sentences should be given reasonably humane treatment:

(1) There should be enough time for exercises and free activities every day in order to maintain good health. (2) A more open policy on correspondence with relatives and friends is required. There is really no need to restrict the length and number of letters. Censoring the content of letters is a waste of human labor. Controlling and restricting human emotions is not a very healthy business for the government to be involved in. I think it is better to relax this restriction. (3) Intellectuals locked up in jail without enough books to read can only indulge in futile thinking. I think it is better to supply them with a large amount of requested books and publications, so that they can learn from the past and the present and correct their mistakes. (4) The meeting time of only 30 minutes per week is really too little. Allowing the relatives to talk to the prisoners under freer conditions is not going to hurt the government and the society. Besides, those who are serving jail sentence and their families would be deeply grateful. ✕

rounding Wen's death that are not widely known. First of all, when the Taiwan Garrison Command took Wen away on July 2 for the interrogation that led to his death, it was the second time that they had interrogated him. The first time was on June 30, two days earlier.

On June 29, Wen had received a phone call from the Taiwan Garrison Command asking him to come to their offices the next day to discuss his activities in the United States. At this time, the Taiwan Garrison Command was holding up Wen's exit permit, for which he had applied at Taipei airport upon our arrival six weeks earlier. Under ordinary circumstances, Wen should have received his exit permit within 48 hours, but he had never received it. He had originally planned to return to the United States on July 1, but without his exit permit he had rescheduled his departure for July 3.

On June 30 Wen went to the Taiwan Garrison Command, and returned, by himself. On that day the interrogation lasted about two hours, and covered both his professional activities and his social activities in the United States. The Taiwan Garrison Command indicated that he should receive his permit on the very next day.

The following day, July 1, I received a phone call at about 5:30 p.m. which supposedly came from the Entrance and Exit Bureau asking that Wen be at home the next morning at 8:00 a.m. to wait for another call from the Bureau, in regard to his exit permit. That phone call never came, but at 8:30 a.m. three plain clothesmen from the Taiwan Garrison Command came to the door of my brother's apartment, where we were staying, and took Wen for his second interrogation. That was the last time that I, or any other member of his family, saw him alive.

Throughout that day, July 2, I was anxious and worried about my husband. During that day, I had asked a friend of the family to try to find out about Wen's status, but we were advised that we should not make too many inquiries about this matter. Shortly after dinner, however, I could wait no longer and called another friend, Professor Pai, who I knew had connections within the government. He was not at home, and I left word with his wife that he should call me when he came in, no matter how late it was. But he did not call back that night.

My brother and his wife were in their apartment all night waiting for Wen's return, and I kept calling them to learn of any development. Finally after a long sleepless night

I again called Professor Pai at 6:30 a.m. on July 3rd. In response to his inquiries about Wen, he subsequently received two contradictory answers from his sources. At 10:00 a.m. he got the answer that Wen had been released by the Taiwan Garrison Command at about 8:30 a.m. that morning. I told him that that was impossible because in that case Wen would have been home by then. So Professor Pai went through other channels and got the new answer that Wen had been released at 9:30 p.m. the previous night. There are other contradictions in the answers that we received. When I went to the Taiwan Garrison Command in the afternoon of July 3, I was told that they had escorted Wen back to the ground floor entrance of my brother's apartment building around 9:30 p.m. on the previous night. Later they changed the story, saying that they had escorted him up to the second floor of the building before they had departed.

Teng Wei-hsiang† has stated that Wen visited his apartment late at night on July 2. I do not believe that statement. If Wen had been released by the Taiwan Garrison Command after his interrogation he would have let me or some other member of the family know that he was all right. I knew Wen for 12 years. Whenever he was going to be later than expected, by as little as half an hour, he would call me and let me know.

When reporters asked Teng what kind of clothes Wen wore when he visited him that night, and whether Wen removed his shoes when he entered Teng's apartment, as is the custom in Taiwan, Teng answered that he did not know.

If the Taiwan Garrison Command believes Teng's statement, why haven't they tried to find out where Wen was between the time they released him and the time he arrived at Teng's? Is it reasonable that they would not know? I requested a meeting with Teng and a spokesman for the Taiwan Garrison Command so that I could ask Teng these and other questions, but my request was refused.

My father-in-law wanted to hold a press conference but was warned not to do so. The only way that the authorities could have learned of my father-in-law's intention was by tapping his phone.

Let me now say a word about campus spies. When Wen came home from his first interrogation on June 30th, he told me that the Taiwan Garrison Command had questioned him about the

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†Teng was an acquaintance of the family, who has said that Dr. Chen visited him on the fateful evening. The authorities have used this to "prove" that Chen was alive and well after the interrogation. However, subsequent reports out of Taiwan indicate that Chen may instead have visited Teng after the first interrogation on June 30th.

## Goldman's Intellectuals

Although the arts and letters have always had their political uses in China, in the 1960s culture became a political football as never before. First, a group of writers whom we might term "establishment intellectuals" began writing plays in which subtle criticisms were made of Maoist policies. To curb this insubordination, in 1962 Mao announced increased controls over intellectuals, with "class struggle" to be waged against them. However, the crackdown did not meet with much enthusiasm among Communist Party members, and it was left to Mao's supporters to take culture into their own hands. Ideally suited to the task was Mao's wife, Jiang Qing, herself a former actress. Motivated by what Merle Goldman, in her important new book ["China's Intellectuals: Advise and Dissent" (Harvard University Press)] terms "a mixture of conviction, revenge, and desire for power," Jiang undertook beginning in 1963 to transform China's most important performing art—opera.

Next, the Party was to be shaken by a rectification campaign in which the administration of culture and permissiveness toward intellectuals were the central issues. Somehow, this rectification seems to have missed its mark, or at any rate was not hard-hitting enough for the Chairman, who followed it up with that traumatic national upheaval, the Cultural Revolution. Goldman's treatment of the outbreak of the Cultural Revolution is particularly significant. The story of how Mao and his asso-

ciates, unable to utilize Party publications (or any Peking organs) for the purpose, had to resort to a non-Party paper in Shanghai, is thoroughly fascinating.

Actually, culture (in the sense of the intellectuals' interests) only figured in the Cultural Revolution during its early months, and it was a vehicle by which Mao got at certain important Party figures who happened to be the writers' patrons. Yet, it is not quite true that (in Goldman's words) "with the purge of Peng Zhen, the Cultural Revolution shed its cultural image and became an open political struggle." As Richard Solomon ("Mao's Revolution and the Chinese Political Culture") and others have explained, culture did indeed lie at the heart of the Cultural Revolution, but "culture" in the anthropological (rather than popular) sense of the word. But this is quite aside from Goldman's main story.

More important for her purposes is the relationship between her intellectuals and old-line Party leaders. Goldman rejects the Maoists' charge that a conspiracy had existed between them. "In the early 1960s the party bureaucracy had shared with the intellectuals an interest in rebuilding China after the Leap, but as the economy revived and the bureaucratic leadership went along with Mao's plan to suppress divergent views, its interests no longer coincided with those of the intellectuals." But Mao's interests were polls apart from both groups. Once (during Hundred Flowers--1956-57) he had tried to use the intellectuals against the bureaucrats, but they went much farther than he had intended. This time, he took on both groups.

Thus, this work is essentially the story of the interplay between China's leading intellec-

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visit to our home in Pittsburgh of a young woman we had met on just that one occasion. Wen could not even recall who she was when the Taiwan Garrison Command mentioned her name to him, and yet they knew of her visit to our home. How could they have known other than from a report of a spy?

Finally, I would like to take this opportunity to express my deep appreciation to friends and Wen's colleagues at Carnegie-Mellon as well as to the overseas Taiwanese community for their concern, support, and help. I would also like to thank the U.S. Congress and the media in the United States for upholding justice concerning Wen's death. I hope that the worldwide response to Wen's death will help prevent such tyrannical acts in the future.

As Wen's widow, I feel that I have the right and obligation to learn the true cause of his death, and I intend to pursue every avenue open to me." x

*Note: According to Newsweek magazine (23N), the Reagan administration was so dissatisfied with the Taiwan government's explanation of the Ch'en murder that it extended Jimmy Carter's ban on sales of American riot-control equipment to Taiwan. At the same time, the decision was taken not to permit any new offices for unofficial ROC representatives in the United States. The latter step was in part a protest over KMT surveillance of Taiwanese in the United States. (Chen's detention and murder are believed related to such surveillance.)*

tuals, the old-line bureaucrats, and the radical Maoists, before, during and after the Cultural Revolution, and as such, little fault is to be found with the study. However, Goldman has defined some hazardous categories, such as "intellectuals" and "liberals." Perhaps one is allowed to have these terms mean whatever one wants. This is certainly the case with "intellectual," which in China generally means anyone with a high school education. To have a manageable subject, one must cut the group down to size. One is tempted to conclude that Goldman has reduced "China's Intellectuals" to those people whom she finds attractive. Perhaps it would be fairer to say that she focuses on what is researchable. Unfortunately, what is "researchable" is largely determined by those in control of the Peking government, for the latter determines what is published.

The point is that the available materials may not truly reflect the life of the mind in China. China's "other intellectuals"--those who refuse (or never have the opportunity) to prostitute themselves in the game of Party factionalism--have something interesting to say also (as we found out during the 1978-79 thaw). True, few of these independent souls wrote with much sophistication, but this was more than compensated for by their freshness, their liberation from clichés, and their candor. Surely, they are just as entitled to be embraced by the concept "China's Intellectuals" as are the Party's favorites.

Another problem is Goldman's use of the term "liberal." This label is applied to a majority of the writers discussed. At one point it is stated that these "liberals" comprise a "tiny minority," though I suspect that a great many of China's intellectuals are more liberal than Goldman's "liberals."

What is a liberal? On page 2, Goldman says that they have "a sense of responsibility to address issues of political policy in a public forum."\* But writers by definition want a public forum; that these people had access to the media was not their doing, but the Party's.

So it is really that they were political

dissidents that makes them "liberal." But is this an acceptable use of the term? Does criticizing officialdom make one a liberal? If it did, we would have to apply the term to some of the world's most illiberal people.

If the word has any meaning at all, it must have something to do with liberty. Various rationales can be involved. Perhaps a liberal believes in freedom of expression because leaders, who are inevitably fallible, must, for society's benefit, be criticized. Or perhaps the liberal's creed simply rests upon the notion that no one has the right to tell another what to know and believe. However the word is defined, it must have something to do with the free flow of ideas and information for everyone, and not just for oneself. It is on this point that Goldman's "liberals" are often found wanting.

According to the author, these writers were liberal in the Western sense because of their concern for intellectual and professional autonomy, "despite their allegiance to Marxism-Leninism." But while one can be a liberal Marxist, one simply cannot be a liberal Leninist. As Alain Besançon demonstrates in his recent book ("The Rise of the Gulag: Intellectual Origins of Leninism"), the seeds of the repressive aspects of communism lie precisely in the body of ideas developed by Lenin. For him there could be no compromise with liberals, and no listening to the masses. The latter were incapable of evolving a proper class perspective, and must be ruled by a disciplined, centralized, elite political party.

Who are Goldman's Marxist-Leninist-Liberals? Among the more commonly-known names are former Culture Minister Mao Dun, about whom John Fraser ("The Chinese: Portrait of a People") has written a devastating critique. (Mao Dun had lectured Fraser about "the Party's correct policies" and the appropriateness of denying freedom of expression to those who "oppose socialism or seek to spread bourgeois ideas.")

Then there are the figures who were attacked on the eve of the Cultural Revolution: Wu Han and Deng Tuo. Although it may be true, as Goldman says, that Wu Han wanted

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\*REVIEWER'S NOTE: Although my opinion regarding China's official liberals has not changed, Professor Goldman's reply (below) persuades me that a clarification here is in order. The above criteria apply not only to the liberals she discusses but also to the radicals. The following is the paragraph (the book's first) which precedes above quotation:

"At moments of crisis in the People's Republic of China, intellectuals have questioned the prevailing system in order to sway policies in the direction of their own ideas and values. In the early 1960s, in the aftermath of the economic disaster of the Great Leap Forward, a group of senior, relatively liberal intellectuals challenged Maoist policies. This challenge was answered in the mid-decade by

a group of young, radical intellectuals. Again in the early 1970s, in the wake of the political chaos of the Cultural Revolution, a similar liberal challenge and radical response occurred. The intellectual contenders ranged from reformers to revolutionaries, but they shared certain features. They were trained primarily in the humanities, history, literature, and philosophy. Their numbers were small, in the hundreds rather than in the thousands. They were a critical, politically aware segment of the intellectual class, in the tradition of the nineteenth century Russian intelligentsia and the dissident Confucian literati of the dynastic era. And they were interested more in transmitting a set of ideas than in practicing a profession."

"academic work to be independent of politics," this rings a bit hollow in view of his own "historical" (really political) writings, and of his earlier record of attacking many of his fellow intellectuals during the 1957 antirightist campaign. Deng Tuo was Deputy Mayor of Beijing, and had been editor of People's Daily in the 1950s--hardly a liberal organ! Although Deng did later criticize Mao Zedong (for breaking with the Soviet Union, *inter alia*), to my knowledge he never asserted the right of lesser mortals to challenge authority. ("We need to study more, criticize less, and maintain a humble attitude.") Later, in defending Wu Han, Deng argued that Wu "should not be condemned and liquidated" --for the reason that he had not opposed the party and socialism. From this are we entitled to conclude that had Wu done so, liquidation would be justified?

"Liberals" is one of two categories into which Goldman divides her intellectuals. The other is "radicals." Since these people were trying to effect more far-reaching social changes than the "liberals," I won't argue with the term (so long as we realize that the democratic dissidents who come along later are even more radical than the "radicals.") Still--although I am only half serious in arguing this--one can make a case that some of the "radicals" were more liberal than the "liberals." The main radical was Mao Zedong--the man who had unleashed the unrestrained attacks on the bureaucracy. To understand Mao's thinking on the subject of criticism in politics, we need to look back to his 1957 "Hundred Flowers" speech:

People may ask: Since Marxism is accepted by the majority of the people in our country as the guiding ideology, can it be criticized? Certainly it can. As a scientific truth, Marxism fears no criticism. If it did, and could be defeated in argument, it would be worthless... Marxists should not be afraid of criticism from any quarter. Quite the contrary, they need to steel and improve themselves and win new positions in the teeth of criticism and the storm and stress of struggle. Fighting against wrong ideas is like being vaccinated--one develops greater immunity from disease after the vaccine takes effect. Plants raised in hot-houses are not likely to be robust....

It is not only futile but very harmful to use crude and summary methods to deal with ideological questions among the people, with questions relating to the spiritual life of man. You may ban the expression of wrong ideas, but the ideas will still be there.

Almost as though we are reading John Stewart Mill! Of course, this was only one side of Mao, and it was hardly the prevailing side. Nevertheless, here is liberalism with no quotation marks needed.

Like the rest of the world, China is not divided neatly into pro- and anti-libertarians. Mao's illiberal side outweighed his liberal side, and he was the first to eschew the label "liberal." We should be as careful in applying it as he was. There are enough falsely self-

styled "liberals" in the world without scholars swelling the ranks of the pseudo-liberals by inaccurate labelling.

These considerations aside, this fascinating book is a valuable addition to the literature on China's intellectuals.

--James D. Seymour

## Merle Goldman Replies

Since James Seymour's criticism of my book is directed at my use of the categories of "intellectuals" and "liberals" in the People's Republic of China, I will address these two points. The intellectuals I discuss are not the ones I found "attractive." In fact, I found a number of them very unattractive. The kind of intellectuals I deal with is defined very explicitly in the title and the first two pages. Since part of the title is "Advise and Dissent," it should be clear that I'm not talking about anyone with a high-school education. I'm talking about those intellectuals who advise and dissent on political issues. The quote Seymour uses to express my definition of "liberal" was used by me not to define liberal but to define the kind of intellectuals described in the book. They are intellectuals, radicals as well as liberal, "with a sense of responsibility to address issues of public policy in a public forum." I made no claim to discuss intellectuals in general.

The "other intellectuals" Seymour claims I neglected emerged after Mao's death. But my book deals with the period from the Great Leap Forward until Mao's death. A few appeared in the aftermath of the Cultural Revolution, such as Li Yizhe whom I discuss. However, I state in the very first chapter that the book is about the high-level intellectuals who work within the political system. "Unofficial" dissent, as opposed to "official" dissent, is a different topic and appears in the post-Mao era which is a different time period than I cover. I plan to work on "unofficial" dissent in the future.

"Liberal" is a relative term depending on the context. On page two I give a definition of "liberal" that is very different from the one Seymour attributes to me. The group of intellectuals I label liberal in the context of the early 1960's were associated with the party bureaucracy and shared its commitment to rebuild China after the great Leap Forward. "But unlike their political patrons they were concerned with perpetuating both Western values introduced into China in the early decades of the twentieth century and the humanistic values of Chinese tradition. Thus, despite their allegiance to Marxism-Leninism, (CONT'D P. 58)

The following story is a translation of part of a recent Chinese-language book. The work is similar to a historical novel, except that each section is a discrete story. The people and major incidents are real, although the characters' dialogues and feelings have been recreated by the writer.

The account concerns a former Kuomintang secret agent named Chiang Hai-jung who had been arrested in 1965 after losing out in a factional struggle. He was accused of being a "communist spy," the same label he had once used as a justification for persecuting alleged opponents of the government.

To help understand this story, a bit of background on the politics of Taiwan's security services is in order. Of the eleven agencies concerned with security, two figure in this tale. One is the Military Investigation Bureau (MIB), which at the time of this story was completely controlled by Chiang Ching-kuo. (Chiang Ching-kuo was the son of President Chiang Kai-shek, and today is himself president. Chiang Hai-jung was not related to the ruling Chiang family.) The other was the Central Bureau of Investigation (CBI), patterned somewhat along the lines of America's FBI. This had been organized on the mainland in 1938 by a group not close to the Chiang family. In the 1960s, Chiang Ching-kuo was rising to power largely through the Military Investigation Bureau, which he controlled. To bring the older CBI under his influence, various people in it were arrested as "communist spies," including Chiang Hai-jung.

Part of the value of a story such as this is that it gives us an opportunity to compare the mentality of the "security" agents in Taiwan and China. Readers may be hard-pressed to find a great difference between the interrogation techniques described in this account and those described in Liu Qing's memoirs (which will appear in our next issue). We also find the same paranoia regarding "enemies," the emphasis on extracting confessions, and the strained resurrection of ancient deeds as "evidence" supporting the charges now being made.

"Liang Shan" is the pen name of a writer who spent many years in prison in Taiwan as punishment for political offenses.

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The story is extracted from "On Ching-Mei Prison," by Liang Shan (Tachiao Press). Translation by SPEAHR. The book may be obtained by sending a check for US\$6.00, payable to Roger Hsieh, to P.O.B. 1671, Casselberry, FL 32707, USA. (Overseas airmail: \$5.38 additional.)

# District Chief

By LIANG SHAN

It was a damp wintry night at Three Plows Village. In his cell in the north wing of the Detention Center, Chiang lay on the floor, twisting and turning. He could not sleep. There was an itch on his right cheek, but because he was trying to keep warm under three layers of army blankets, he did not want to reach out to scratch it. Finally, as the itch got worse and worse, he had to take out his arm. Caught it! A bug. He flung the insect out the window, and then reached for the glass of water on the floor. It was covered with more bugs, crawling around. Instinctively, he pulled back, accidentally dropping the glass. Now there was water all over the floor. If the guard saw that, he would get a good scolding. Hurriedly, he mopped up the water with some dirty laundry.

There were no lights (save for a weak bulb out in the corridor), and only faintly could one make out the cell's contents. The stench of the chamber pot, however, was ever-present. Chiang decided to move it to a far corner, but in a space two meters square, that is not very far away. Soiled clothes, toilet paper, washbasins, rice bowls and chopsticks--all had to share the limited floor space with the chamber pot.

Noises coming from the corridor. Immediately he lay back down, closed his eyes and pulled the blankets over him. A glaring beam shone straight into his face. The tall heavy-built guard holding the flashlight bellowed: "Close your eyes! During the day, eyes open. During the night, closed. Is that clear, 'District Chief?'" He pointedly prolonged the title. Chiang lay there, not daring to make a peep. Even after the guard left, only under his breath did he curse: "Damn bugs."

He started to pull the blankets over his head, but then he realized that this was against the rules. Prisoners may not sleep with their heads covered. So he pulled the blankets up as far as his nose. Then a foul

odor rushed up his nostrils, bringing on a fit of sneezing. It was the unmistakable smell of sweat and blood. These army blankets were covered with blood stains. Oh, the number of people whose blood and sweat had soaked these blankets!

The sneeze summoned the guard to the iron door. "What is the matter, 'District Chief?' You have a lot of problems, don't you! Don't you know that bandit spies transmit information by sneezing?" In referring to the Chinese Communists as "bandits," he was using the standard terminology of Taiwan's ruling Kuomintang. "Didn't you hear yesterday when the guy next door was taken out for a good beating? You'd better be careful, 'District Chief!'"

As before, Chiang dared not budge. Only when he was absolutely sure that the guard had left did he have the courage to pull up his coat under his nose and rearrange the moldy blankets over his body.

Chiang's given name was Hai-jung. He was a native of Fujian, and was not related to the Zhejiangese Chiangs who have ruled Taiwan since the 1940s. He used to be district chief of the government's Central Bureau of Investigation, District Three. The district chief worked directly under the bureau chief, and District Three was the most important district. It is the CBI that is normally in charge of interrogations. All local political cases had to be approved by him before being transferred to the military court. He had held the fate of political prisoners in his hands, for the military court dealt with the cases as he recommended. So at one time he had been one of the most powerful and prominent figures in the bureau.

Chiang's most recent boss had been a man named Ch'en. Even before Ch'en had been appointed vice bureau chief, Chiang headed District Three. Originally, Chiang had had no problems getting along with Ch'en, even though the latter had come from the Military Investigation Bureau. But during the World War II Chiang had joined the underground spy network of the CBI, and after the war he happened to have been included in a group photograph with the guerrillas. One of the guerrillas in the picture later became the Communists' political commissar for Fujian Province. When this was discovered, Ch'en ordered the arrest of various people in the picture on the grounds that the unit was communist.

Now, Chiang simply could not believe that he was in jail, that CBI Chief Ch'en would have ordered his arrest. Perhaps, he thought, the upper echelons were simply testing him--the way God tested Job.

"Get up!" yelled the guard from down the



corridor. Aching all over, Chiang had difficulty rising. He could hear the tinkling of washbasins and mugs as prisoners in other cells prepared to go and wash up. The guard might arrive any time. With this in mind, he hastened to get up and fold the blankets. Indeed, the guard was there at the door right away. Chiang was now more wide awake, and he dressed and grabbed his washbasin. Then the guard opened the iron door. Rushing out, one hand carrying the washbasin and the other clutching at his trousers, Chiang ran down the corridor in the direction of the washroom in the west wing. He was dazed and dizzy.

"Quick! Quick! Quick!" cried the jailer, driving him from behind. Chiang filled a mug and rinsed his mouth. He dared not take the time to brush his teeth. Even so, the guard was hurrying him to finish. A prisoner like himself should have been used to the insults and reprimands of jailers, but Chiang was still frightened of being scolded. He wet his small towel, gave his face a quick wipe, then ran back to the corridor. When back in his cell, the guard closed the iron door behind him and, pulling taut the blue curtain which hung over the door, went to open the iron door of the next cell. In the wall at the back of the cell was a small iron-grilled window, and during the day it was possible to see a streak of blue sky. Now, it was still pitch dark out. "Why make us get up so early?" he mumbled. He assumed a semi-reclining position on the floor, and soon began to feel better.

But not for long. The guard pulled aside the curtain, and Chiang sat bolt upright. Again came the warning: "During the day, eyes opened; night, eyes closed!"

"Interrogation!" The door was already opening, as the guard yelled. Chiang, one hand holding onto his trousers, rushed out of the cell in his plastic slippers. The guard handed him his gold-rimmed glasses, which had been in the warden's custody. He stepped through the traditional arched doorway, and before him was a row of interrogation rooms. Three special agents were waiting for him in front of one of the rooms.

Chiang sat at the desk, stiff and tense. In front of him sat the head of the Department, named Liu, carefully scrutinizing Chiang. Beside Liu was a bloated, double-chinned man named Wu who was lying back lazily in his chair, letting his great belly protrude conspicuously. He was the commissioner. To Chiang's right was Yü, small-headed, stout clerk, and also Warden Hu, thin and lean.

"District Chief, you have had to endure three months in your cell, waiting for us to close your case," Liu began sarcastically. "You look pale and dispirited. We are truly sorry for having let you wait for so long. But somehow there is something missing in what District Chief has been telling us, something which we badly need. Many comrades are beginning to lose patience and would like to have District Chief taste some of the eighteen martial arts. However, word has come down from the upper echelons that we must treat District Chief with care, and let District Chief confess to the organization voluntarily. Now, tell us how the communist bandits instructed you to organize a guerrilla unit."

Chiang shook his head. "Our guerrilla unit belonged to the Kuomintang's Fujian Provincial Party Organization. Today, the head of the provincial Party branch, Ch'en Ch'ao-ying, is a member of the Control Yuan. The secretary, Lin Ping-k'ang, is a member of our legislature. As I have said more times than I can remember, they can back me up on all this. You should go speak to them."

"We want the information directly from your lips."

"You can't solve the case by pressing me like this. I have told you people over and over that when solving a case you must be prepared to reach to the ends of Heaven and Hades. Use your hands and feet to seek out the evidence. You shouldn't just rely on purely verbal evidence to confirm reality." Chiang was lecturing these devils as though they were still under his charge. Liu's face clouded over; he felt that Chiang was deliberately denigrating him.

Commissioner Wu spoke: "Young Yü, pour District Chief a cup of tea." Yü went over to the window, filled a plastic cup with tea from a thermos bottle, and placed it on the desk.

Then the commissioner burst out in laughter. "Look for the answer 'in Heaven and Hades!' Use our 'hands and feet' to investigate! Hands and feet are only useful for inflicting punishment. You know what is meant by the word."

Hu and Yü could not help laughing. The atmosphere of the room softened. Even Liu forced himself to smile.

"District Chief, I do not want to hurt your ego. Word has come down that you are to be given an opportunity to clarify your position. Everyone can make mistakes. As long as you confess everything to the organization, our superiors will still forgive you. If you don't want to confess, then it is a different situation." He paused. "You should be aware of the present situation."

Chiang did not reply.

Hu rubbed his hands and showed his yellow smoke-stained teeth. "This was really a trag-edy peculiar to that era. Many young people, either out of eagerness to change things, or carelessness in making friends, made the mistake of joining the communist bandits. Later, they dared not admit their past mistakes, or at any rate considered it not in their best interests to do so. Such are the people who are most easily made use of by the enemy. Our upper echelons have asked me to persuade such people who have trod the wrong path to make a clean breast of their past activities, so as to prevent the enemies from penetrating us. We are advising you in good faith. We are, District Chief, giving you a last chance to admit your guilt."

"When was I a communist?" Chiang sighed.

Liu's tone was more ominous than Hu's. "I am interrogating you based on the material I have in hand."

"The material you have? Is it nothing but that group picture of our guerrilla unit taken after the war?"

"One of the persons in the photo later became a member of the communist bandits' Fujian Provincial Committee."

"But that doesn't prove that our guerrilla unit was a communist organization! Lots of us came from the mainland. Who can guarantee that the other people appearing with them in some photograph didn't later become Communist Party officials?"

"District Chief, in the last election, when there was some mass unrest, the upper echelons gave us a time limit in which to solve this case. Some people then complained that it wasn't easy to uncover communist bandits. At that time, District Chief, you yourself instructed us that a good worker could uncover bandit spies by intuition. So why was it, District Chief, that at that time you could not use your intuition and expose this communist?"

Chiang did not say anything. Wu and Yü burst out laughing.

"We've solved a lot of bandit spy cases by the use of photography," continued Liu. Now you are denying the effectiveness of photographs. Following my own intuition I can intuit that you are a bandit spy."

Very much enjoying the dialogue, Commissioner Wu sat casually swinging his right leg. He lit a cigarette and exhaled a few smoke rings.

"It was wartime then," Chiang continued. We had to utilize all the talent we could find. Any cat that could catch mice was a good cat. I could not be too picky. Besides, I did not discover anything suspicious." He paused. "You should understand that those who

came out to resist and fight were proud people who could not be lectured at. It was not easy for me to control them. You have to realize what a difficult position I was in."

"Nonsense!" Liu now had an icy expression, and acted as though he had been humiliated. He pounded on the desk. "I am questioning you now in the capacity of officer-in-charge. You are not to speak with the tone of voice of a District Chief. You know very well that even if we had no evidence at all, not to speak of having this photograph in hand, we could carry on as instructed. I am not here to listen to your defense. I am here to make you confess your relationship with the communist bandits."

Chiang Hai-jung avoided Liu's ruthless gaze. Remembering that some newly-recruited clerks had nicknamed Liu "Lame Toad," Chiang cursed under his breath. He raised his teacup to his lips. Silently, he ingested the tea, along with the outrageous demands.

Warden Hu, who had been quietly observing the proceedings, now slipped out of the interrogation room. Then, at Liu's nod, Yü rolled up his sleeves and, baring his heavily muscled arms, taunted Chiang: "Could District Chief enlighten me on one thing? District Chief has taught us that if the person being questioned refuses to cooperate, then we can apply an appropriate amount of pressure to help the person along in his confession. It now appears, District Chief, that you simply will not fess up to your relationship with the communist bandits. Then, how much pressure should we apply?"

"I had no relationship whatsoever with the communist party," Chiang replied curtly.

At this, Yü charged at him and with his right fist tried to give Chiang a back-handed punch across his left cheek. Chiang ducked. Having missed the first time, Yü thrust his left fist into Chiang's lower abdomen. Unprepared, Chiang staggered a few steps backward into the corner of the room, and leaned against the two walls. Yü punched his face a few times. Then grabbing Chiang's collar with his left hand, he continued punching at his lower abdomen and with right fist. Finally, Chiang's legs gave way.

Commissioner Wu gave a big cheer: "Brilliant! Brilliant!"

Before Yü had joined the Central Bureau of Investigation, he had been a martial arts champion at his college. Both Wu and Hu were originally agents of the Military Investigation Bureau. Hu had been Bureau Chief Ch'en's protégé there. It had always rankled Chiang that Ch'en had let this scum Liu of the CBI be in charge of investigation work, and let Hu of the MIB be the warden!

Chiang lay on the floor moaning. His left eye was swelling, and turning black and blue. Warden Hu came back into the room and made a show of being surprised when he saw Chiang in pain. He walked over to him, crouched down, and said: "Goodness! How come District Chief has had such a bad fall? Your face is all bloody!" Turning to his colleagues: "You guys! Come quickly and help him get up. We should interrogate according to the rules. Young Yü, go to the clinic for some medication. We should take care of the District Chief's health." Commissioner Wu and Warden Hu came over and helped Chiang off the floor. Chiang gazed at Wu in horror, foaming at the mouth, speechless.

Liu took out a cigarette and began sniffing at it. "Young Yü could not restrain himself and applied some pressure before we could stop him. Young people are always so zealous! Of course, we did warn District Chief that he could avoid suffering by being candid with the organization."

Yü returned from the clinic, wiped Chiang's face with gauze, and applied some ointment.

Hu poured him a cup of tea. "District Chief, you should be aware that all the people in that photograph who are now in Taiwan have written an affidavit for us. Nonetheless, the upper echelons are protective of the District Chief, hoping to give the District Chief a chance to confess. District Chief, you should weigh your options, and seize this opportunity."

Chiang numbly stared out of the window. On the farthest end of the courtyard stood a high (and highly forbidding) wall. It was topped with whirls upon whirls of barbed wire. His forehead was throbbing with pain. His legs were unbearably sore. He was absorbed in his own thought. He pondered: "It was I who was ordered to design this prison. These interrogation procedures were devised by me, pursuant to my charge. Now, I myself am being imprisoned and tortured in this very place!

Could this be the retribution?"

## EPILOGUE

*In time, he was sentenced to death. However, after Chiang Ching-kuo came to power in 1975 the sentence was commuted to life imprisonment. Chiang Hai-jung was sent to Green Island prison, but in 1979 was returned to Ching-mei Prison near Taipei for reprosecution. In February 1979 he committed suicide by hanging himself in his cell. x*

# Recent Publications

Ban Ping Shan. (P.O.B. 1093, 77477 US). No. 3. F. Overseas Taiwanese views (in Chinese).

Beer, Lawrence W. "Group Rights and Individual Rights in Japan." Asian Survey, A. Useful, scholarly analysis.

Brodsgaard, Kjeld Erik. "The Democracy Movement in China, 1978-1979: Opposition Movements, Wall Poster Campaigns, and Underground Journals." Asian Survey, j. Comprehensive, scholarly account.

Buraku Liberation News. (1-6-12, Kuboyoshi, Naniwa-ku, Osaka City 556 Japan). No. 4. Dowa projects, etc.

---. No. 5. Critique of administrative reforms, etc.

---No. 6. The Liberal Democratic Party and the Buraku question, the Ishikawa case, etc.

Chang, T.C., C. F. Chen and Y. T. Lin, Catalogue of Chinese Underground Literature. Institute of Current China Studies, POB 14-19, Taipei, Taiwan. 261 pp. Bilingual title listings (with occasional short commentaries) of articles from April Fifth Forum, Silent Bell (or Solemn Bell), China Human Rights Journal, Democracy and Modernity, Enlightenment, Exploration, Hailanhua, Life, Masses References News, Bricks of Democracy, New Democratic Current, Responsibility, Shores of Bohai, Zhejiang Spring, The Times (Shidai), Tornado, Voice of the People, People's Road, and Us (Women)

Chinese Law and Government (M.E. Sharp, 80 Business Pk. Dr. 10504 US). XIV:2, Summer 1981. Special issue: The Rehabilitation and Dissolution of "Li Yi Zhe." Essays from China by and about the Li Yi Zhe group (including Wang Xi Zhe).

---. XIV:3, Fall 1981. Special issue: Underground Journals in China, Part II. Materials from April Fifth Forum, Exploration, China Human Rights League, Peking Spring, People's Voice, and others, mostly from 1979.

Garside, Roger. Coming Alive: China After Mao. New York: McGraw Hill. Report by a British diplomat who is intimately familiar with China's democratic movement.

Guisso, R. W. L., Women in China. Philo Press, P.O.B. 277, 14174 US, \$26.20. Essays on women in religion, social role, literary traditions, etc. (both in history and today).

Hawidi, Fahmi. "Allah in China." Al-Arabi (Kuwait) D-J '80-81 (77735). A review, based on the journalist's visit, of the history of China's ten Muslim ethnic groups (from an Arab point of view), and a survey of their religion and life-style today.

Kane, Anthony J. "Literary Politics in Post-Mao China." Asian Survey, j.

Kaplan, John. The Court-Martial of the Kaohsiung Defendants. (Inst. E. Asian Studies, Univ. Cal. 94720 US.) Report by legal scholar who observed this important "trial" of Taiwanese dissidents for the International League for Human Rights. Although Kaplan is more than fair to the Kuomintang, his conclusions are nonetheless devastating.

Korea Communiqué. (NCC-Japan, 24, 2-3-18 Nishi Waseda, Shinjuku-ku, Tokyo 160.) No. 41, 14S. South Korea: Lee Moon-young fast. Torture. Deaths in Purification Camps. Detention of Christian youths. Political imprisonment. Unions. Editorial, Updates.

---. No. 42, 260. South Korea: Heungsadan Academy Incident. Torture of Christian youth and students. Student protests. Arrests in Pusan. Kwangju: detainees; letter from families; Chunnam University Incident. Document: Purification Education. August 15 Amnesty. Deaths in Seoul. Student diary. Editorial. Updates.

Korea: Time for a Change. Half-hour slide show available from American Friends Service Committee, 12501 Cherry St. 19102 US. Audio included. (Excerpt: "It is important to criticize militarism and repression in both North and South Korea. However, it is in the South that the U.S. wields great influence.")

Korea-Scope. (P.O. Box 1360, 10025 US.) II:5, D. Unification of Korea: views of Kim Dae Jung, Kim Chi Ha, et al.

---. II:4, S. Plight of South Korean Farmers and Workers: Peace Market Garment Union; Economic plight of farmers.

Korea/Update. (110 MD Ave NE, 20002 US.) No. 8, o. Letter asserts 15,000 held in South Korean forced labor camps.

Laytner, Anson. "Alive But Not So Well and Living in Kaifeng" Present Tense, autumn. Rare account of China's Jews.

Lent, John A. "Freedom of Press in East Asia." Human Rights Quarterly, Fall.

"Letter from a Tibetan Prison." Tibet Review (a, XIV:8). Strongly anti-Chinese polemic.

Letter on Taiwan (POB 910, 66502 US). Ch'en Wen-cheng case (4 articles). Elections in Taiwan (2).

Li Buyun and Zhou Yuanqing. "Law and Freedom." Red Flag [16N 79838]. Takes up one-by-one and "refutes" the arguments for free speech. Argues that it is legitimate to imprison people because of what they have said.

Liao Gailong, "The 1980 Program of Reform for China." This 60,000-word document contains the text of a speech delivered 25081 by a member of the Policy Study Bureau of the Party Central Committee. It was not made public in China, but Part IV ("Advance Along the Party's Road of Chinese-style Socialist Construction") appeared in a Hong Kong magazine <QN 1M16'81>. Like many of China's dissidents, Liao argues that democracy is not (as Red Flag has said) simply a means to an end. "Democracy is a means, but it also is an end." Liao also advocates such democratic reforms as a bicameral legislature.

Liu Guokai, article by a youth from a former Kuomintang family, translated from the Hong Kong magazine Zhongguo Ren in Freedom at Issue (M), whose editors have titled it "The Democratic Movement in China: Personal Testimony."

Liu Ying. "The Arrest of Wang Xizhe." Zhengming 1381 {78220}. Also transl. in Freedom at Issue, N.

Long-Suffering Brothers and Sisters, Unite! The Buraku Problem, Universal Human Rights and Minority Problems in Various Countries. Buraku Liberation Research Institute (Buraku Kaiho Kenkyusho, 1-6-12, Kuboyoshi, Naniwa-ku, Osaka City 556 Japan). 277 pp. ¥2000. Papers delivered at the International Symposium on Human Rights (Osaka and Tokyo, D'80) primarily on Japan's major disadvantaged socio-economic minority. Part I: Present Conditions of the Burakumin. Part II: The Buraku Problem as Viewed from Foreign Countries. Part III: Discrimination and Human Rights in Various Countries (US, Europe, India, etc.). Eleven Appendices.

McCagg, William O., and Brian D. Silver. Soviet Asian Ethnic Frontiers. Pergamon Press (£16.25, \$31.25).

Essays by various specialists on such groups as the Tatars, Kurds, and Turkic peoples of the USSR and (covered to to a lesser extent) China. Editors summarize that the "Lenin-Stalin nationality policy" has succeeded in modernizing backward peoples. Thus, "the Soviet Union has been able to retain its colonial empire in an age when the imperial democracies of the West were retreating from theirs." Concludes with an interview with Owen Lattimore, who says that minority peoples want "recognition of their right to be proud of themselves, plus a fair chance within the larger general community. They don't want out; they want up."

Monthly Bulletin on the Chinese Democratic Movement (a, 1:7). POB 89278, Kowloon City P.O., Hong Kong. US \$9/yr. More Militants Arrested (Wang Yifei, Nan ing, Xu Wenlan, Yu Weimin, Yang Xiaolei, etc.). Interview with He Qiu. Editorial from "People's Road." Article on Marxism from "Theory Banner." Two articles by Shanghai worker Fu Shenqi (on factory election; Wang Shenyou). Eye-witness Report of Liu Qing's arrest. Liu Fengsung sentenced in Taiwan.

--- (S, 1:8). In Chinese (abridged version in English). Editorial: Our Attitude. Commentary on Vice Foreign Minister Zhong Xidong. Open letter to Chinese officials. On the arrest of Lu Lin, etc. The Bai Hua affair. Interview with Wang Xizhe. Student movement in Hunan. Ch'en Wen-ch'eng murder in Taiwan.

--- (N, 1:9). In Chinese. "Tiananmen is the People's Plaza; 'Control by Law' Must Not Be Used to Oppress Democracy." Excerpts from Liu Qing's prison memoirs. More on the Bai Hua affair. Peasants go to Peking.

Monthly Review of Korean Affairs. (P.O.B. 3657, 22203 US.) 3:5, S/o. Speech by US Ambassador to Seoul Richard Walker, with implicit criticism of human rights violations in South Korea. ("Opportunity to express a full diversity of views prevents polarization and potential explosion.") Nuclear energy.

Saydawi, Jawwad. "One Hundred Million Muslims Occupy the White Space in the Chinese Flag." Al-Majallah D'81 {77735}. Full of inaccuracies. Those interested in an Arab view of Chinese Islam will find the Hiwidi work (see above) more useful.

"Taiwan KMT Spy Activities on U.S. University Campuses." Collection of news reports on the subject. \$4 from OSDMT, POB 53447, Chicago 60653 US.

Taiwan Tide. (POB 33215 Los Angeles 98033). No. 3, o. Socialist viewpoint.

Thomas, Hugh. Comrade Editor: Letters to the People's Daily. Joint Publishing Co. 9 Queen Victoria St. Hong Kong. 243 pp. HK \$15. Interesting collection of grievances which the authorities are willing to publicize.

Wang Xizhe lun wen ji (Collected writings of Wang Xizhe). Published by Qishi niandai Press, Hong Kong. Contains seven essays by the now-imprisoned member of China's famous Li Yi Zhe group.

Weisberg, Laurie. Summary of her report on the inadequacy of Taiwan's legal establishment. CIJL Bulletin (Centre for the Independence of Judges and Lawyers). A80. Available: Int'l Commission of Jurists, 777 UN Pl. 10017 US.

Zeren (Responsibility). Three issues of the Chinese underground publication have been reprinted and are available for a total of HK \$10 (plus postage) from the Chinese Democratic Movement Materials Center, POB 89278, Kowloon City P.O., Hong Kong. x

# Election in Changsha

By SHAN ZI

*EDITOR'S NOTE:* Our last article on the election process in China appeared in our autumn 1979 issue, when we reported on new experiments with local elections. At that time the government was admitting that Chinese elections had not been open and had not provided a means for the people to express their wishes. Our own conclusion: "When it comes to fulfilling the mandate of the Universal Declaration of Human Rights, China, and all the countries of East Asia except Japan, have a long way to go."

Just after that issue of *SPEAHRhead* appeared, a new elections law was adopted. During 1980, elections for county people's assemblies were held in 1,947 of China's 2,747 county-level units. In general, these elections went well from the authorities' point of view, although--as Civil Affairs Minister Cheng Zhihua put it--"the leaders of some units, lacking democratic habits and failing to study the laws, have been afraid to conscientiously give scope to democracy, and at times have even violated the electoral law." <BJ2M3,9M10>

On the other hand, Cheng complained about the behavior of some people who sought to participate in the election. "They have practiced anarchism and ultra-individualism, abandoned the Party's leadership, ignored the socialist legal system, opposed the four basic principles, and undermined stability and unity--all in a desire to stir up trouble everywhere." Here, what Cheng doubtless had in mind were incidents such as that at Hunan Teachers College in Changsha Municipality. The election there is described in the following account, which is translated from the left-liberal Hong Kong magazine *Qishi niandai* (Seventies), September 1981 {79239}. The article was originally titled "The Arrest of Tao Sen, General Representative of Hunan Students." Tao Sen, a student at the college and the candidate who received the most votes of all the candidates in the election, remains in prison.

In addition to this introduction, comments in brackets and the footnote have been supplied by *SPEAHR*. "Shan Zi" is the pseudonym of a writer who observed the election first-hand.

The student movement at Hunan Teachers College (HTC) lasted nine months. It began when Liang Heng, a literature major, gave a speech in his department on 19 September 1980 offering himself for people's deputy. It ended on 19 June 1981 when college authorities announced the dismissal of Tao Sen from his student status, a few hours before a public security organ sentenced him to three years of education through labor.

The movement may be divided into three stages. In the first stage (from September 19 to October 9), the students went to the provincial Party Committee for the first time to present a petition. The second stage (October 9 to October 16), consisted of their struggle

in the form of a hunger strike. During the third stage (October 16 to June 19), Tao Sen was secretly arrested after the whole college had undergone political study.

The cause of the student's democratic movement, which attracted so much attention abroad, can be viewed from three perspectives.

First, there was the matter of state legal and political institutions. In January, 1980, two new laws came into effect: the Organic Law of the Local People's Congresses and Governments, and the Electoral Law for the National and Local People's Congresses. Thereafter, various localities in the country began election activities at varying paces. HTC star-

ed its election in the middle of September.

Second, there was the electorate. HTC, which is in the western part of Changsha municipality, comprises the 76th electoral district. Naturally, most of the constituents there are students. Before these people entered college, they had engaged in various callings: e.g., as peasants, workers, soldiers, teachers, and cadres. Hence, they had a relatively clear perception of the political and economic situation in Chinese society, and they had accumulated and suppressed strong dissatisfaction with the bureaucratism and privileged strata that had resulted from the appointment system and lifelong tenure system. They had a naive trust in the new laws, and also were encouraged by Liang's explosive oratory. Thus, their enthusiasm was roused, and they were determined to change things.

Finally, there were the cadres. Whatever the central leaders' intentions may have been, with the two new laws in effect the cadres found themselves facing altogether new issues. With the "unified leadership," "appointment," and "life tenure" systems in effect for so long, the newly-introduced legal system and "democracy" were quite foreign to them. Actually, cadres in the college election committee told the students: "The Electoral Law will become effective only through our interpretation." They also unscrupulously increased the quota of candidates.\* For years the relationship between the Party and the masses had been remote and tense, with the Party looking down upon the peasants. (The elections administrator, HTC vice president Su Ming, openly declared that he despised the student deputies.) This was one of the reasons that the movement was so popular.

In view of all of this—the new laws, the public's long-standing grievances, the obstruction of those managing the election—the election campaign at HTC, launched with Liang Heng's declaration of "non-worship of Marxism-Leninism," got off to a vigorous start. One after another, the students joined in the election campaign. Their attitude was positive. Through poems, songs and wall posters, they openly expressed their personal views on various questions. This situation helped people to shed their inferiority complex and made them build a positive self-image.

Unfortunately, the "victory" of their presentation of the second petition on October 9 [explained below] brought the students to a

state of blind optimism. (They called it a "victory," although the meaning of such a "victory" was rather vague and almost childish.) This resulted in their failing to study strategy, and put them in a defensive position later on. In the end, the students became divided internally, and the entire movement could develop no further.

There were two reasons that the situation developed as it did. First, there were insufficient theoretical preparations. Because the people's thinking had remained in a closed state over the years, and also because the movement exploded so suddenly, the participants of the movement lacked a clear understanding of the nature and meaning of the movement itself. They joined it merely out of an emotional reaction against bureaucratic privilege.

Second, improper methods were used. After they presented their petition to the provincial committee for the first time, the students regarded themselves as having won a "victory." This "victory" merely meant that the two demands made by the students were satisfied that evening. These demands were that the provincial Party committee regard the students' procession as legitimate, and that it send out an investigation team. Actually, these two demands were entirely superfluous, because the Constitution already has explicit provisions on processions, and besides, the Provincial Party committee could very well do things perfunctorily by sending out a completely meaningless investigation team. Subsequent developments proved this point. In the end, the problems were not solved at all, and the students had to present a petition once again, thereby forcing themselves into a passive position.

Ordinarily, participation in elections is a right conferred upon a citizen by law; if anyone hinders a citizen in his exercise of this right, the latter should immediately appeal to the law and let the law adjudicate the case. The biggest result of the presentation of this petition by the students to the Hunan Provincial Party Committee was to cause the committee to dismiss Su Ming, the college election administrator. Had the students brought an indictment, and had the case been sent to court for trial, then the significance of this student movement would have been distinctly different. (The people's procuratoriate of the western district had already agreed to handle the matter at this time.) Looking back, this also had to do with the voters' own lack of any concept of legal systems. Naturally, they can hardly be

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\*There were four seats in the county assembly to be filled. There were supposed to be six candidates standing for election in these seats. However, the Communist Party authorities in the college added a seventh candidate.

blamed for this; for years the party and the government were not separate, and the party committee often interfered with judicial administration. Everybody was under the control of the Party committee of the unit to which he belonged, and matters big and small were all handled by the party organization. This made it natural that few people could believe that they could be protected under the law.

In the third stage, because of the internal division among the students after the hunger strike (mainly because most students did not agree that Tao Sen and others should have gone to the capital to make accusations) the enthusiasm of many of them began to subside and the movement gradually calmed down. Just as Tao Sen and others were maneuvering in Beijing, the Standing Committee of the National People's Congress dispatched a three-man investigating team to conduct an investigation of the situation at Hunan Teachers College.

Immediately after the investigation, which lasted half a month, the election office of the National People's Congress handed down Document No. 60, which consisted of eight articles mainly concerned with proposals on how to deal with the errors in the work of the college election administrators. The second article criticized Vice President Su Ming by name and pointed out that it was his rude attitude that had provoked a radicalization of the contradictions. The last article of the document stressed that leaders at various levels should not attack or retaliate against the students. This document, however, came from the government [rather than from the Party]. Therefore, even though the college authorities made a public written self-examination, at a meeting of the Party committee they refused to acquiesce, saying: "This is not the voice of the Party Central Committee."

In 1981, after Document No. 2 had been handed down by the Party Central Committee, the college authorities began to launch an overall attack against the students. They decided to suspend classes throughout the college for three days in order to conduct a study class in which, on the one hand, they let all students indicate their attitude on the "four adherences", and on the other hand, they began to carry out public criticism with respect to the expressions and conduct of Liang Heng and Tao Sen. During those three days of political study, the results expected by the college authorities were not achieved.

On the afternoon of the last day, in fact, a big-character wall poster was put up at the college; its contents satirized the clumsiness of the performance of the college authorities

and sang the praises of the student movement. This big-character wall poster really stimulated the people's hearts at the time, and attracted the attention of the ranks of teachers, students, staff and workers. After taking a picture of this wall poster, the college authorities tore it down and immediately launched an investigation, calling this a counterrevolutionary incident. From then on, the students no longer raised their voices. The college authorities used all the methods employed in China's political movements of the past and did a great deal to create disunity and demoralization among the students. In the end, they succeeded in turning part of the student body around to attack those students who had worked together [in the election campaign].

Finally, the college authorities exercised their power to take away Tao Sen's status as a student. Thereafter, a public security organ secretly sentenced him to three years of forced education-through-labor. This was something not provided for in the Law on Criminal Procedure. In the case of Liang Heng, because he had already secured a visa to emigrate to the United States, the measure was limited to launching a vehement attack on his ideas in the province's institutions of higher learning.

In short, this student movement in Hunan came to a close with a painful defeat for the students. But the positive meaning which this movement imparted to the people's political life was perhaps beyond the calculation of the bureaucrats. Although all the participants in this movement quieted down, they have by no means lost heart. This retrospective article is itself evidence of this.

To sum up, certain points can be made. First, though somewhat lacking in maturity, the younger generation of China's intellectuals may become the vanguard of social reform once again. Second, the law, under the rule of bureaucrats and the privileged, is to a considerable extent false and deceptive. Third, order maintained through violence and terror has made people even more indifferent toward politics and social life, and the relationship between the Party and the masses has become even more tense. Finally, because of the need of the highest level to carry out a power struggle and, in addition, because of certain appropriate means that the people can use, at certain moments (such as from the beginning of the election to the time prior to the dispatch of the Central Committee's Document No. 2), it is possible to get rid of some very bad bureaucrats and thereby to some extent ameliorate the people's condition. ✕



# CROSSREFERENCE

*This section is comprised of items of information arranged according to Universal Declaration of Human Rights article number (see page 2), and broken down thereafter by country or territory. If no article of the Declaration is specifically relevant, we designate the category "00." If more than one article applies, our allocation may be arbitrary.*

*Inclusion of an item does not necessarily imply a judgment that a violation of human rights has actually taken place. For example, we include information on the use of capital punishment even in the cases of common-law criminals (under 05), though the Declaration takes no clear position on whether or not such executions violate human rights.*

*As with other material appearing in SPEAHRhead, we present this information in the belief that it will be of interest to members, but we cannot always vouch for the validity of the allegations. Our sources (usually the media of the country concerned) are indicated at the end of each item.*

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For abbreviation key and guide to symbols, see inside back cover.

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## 00-C. IDEOLOGY ABOVE ALL?

China's Red Flag {10 79619} carried a "commentator" article insisting that opposition to bourgeois liberalism was perfectly compatible with the emancipation of the mind. Party members were warned that they are Communists first, and experts (professionals) second. "We must carry out criticism and self-criticism, overcome all erroneous tendencies, particularly liberalization." In another similar article {1D 79936}, freedom is defined as "recognition of necessity".

Although the same issue of the journal carried an article by Sun Ruiyuan arguing that not all ideological differences within the Party involve class struggle, the next issue {79712} carried one by Xie Wen citing Deng Xiaoping to the effect that class-related contradictions among the people persist due to the corrosive influence of feudal and bourgeois ideas. Even though class exploitation no longer exists, Xie said, the dictatorship of the proletariat is still needed to abolish the differences among classes--a long-term task which is "in some ways more arduous than abolishing exploiting classes." Furthermore, there remain various class enemies (the "five elements" and "two remnants") to be dealt with.

**Constitution.** Better guarantees for citizens' democratic rights should be provided for in the new constitution, according to an article in Social Science {#3, 79239}. There

should be provisions for persons who violate others' rights, but it would still be appropriate to prohibit illegal journals, organizations, demonstrations, strikes, etc.

## 02-C. ETHNIC MINORITIES.

Red Flag carried an article by Zang Boping urging a go-slow policy on Sinifying minority nationalities and advocating more appropriate educational policies for these groups. "The total integration of minority nationalities is something for the distant future; its realization will be a prolonged historical process, only being attained after the extinction of classes and the state. The socialist period is the time to equalize all nationalities and build mutual confidence, and to ensure the prosperous development of all nationalities. Any attempt to realize the total integration of minority nationalities now would be mistaken. To negate or eliminate nationality characteristics and nationality differences is wishful thinking and contrary to the laws of history."

Zang goes on to criticize leftist educational policies, complaining that eight of the ten minority colleges were closed down during the Cultural Revolution, and minority nationality middle and primary schools were "reduced or amalgamated." During that period, although the number of minority students "statistically increased," actual attendance, number of graduates, and quality declined. {16J 78864}

An article by Ye Yonghua {YNRB 3A 78312} presents the issue more in socio-economic terms. Problems between ethnic groups are seen as essentially having an economic ba-

sis. "Private ownership and the system of class exploitation [are] the root sources of national oppression. Once exploitation of man by man disappears, the exploitation of nationality by nationality likewise will disappear.... When the more advanced groups who have already achieved victory attempt to help backward nationalities, they must be realistic and pay attention to the characteristics of the latter. They must not force backward nationalities to accept methods supposedly intended for their happiness,".

Beijing Review occasionally publishes material dealing with the minorities question (e.g., 9F79, 3M80, 6J80, 16N81), the most recent of which contains a speech by NPC vice-chair Ulanhu (a Mongol). Progress and toleration are stressed.

**Tibetans.** Army units have reportedly vacated Tibetan temples {XH 77303}. However, a group of Indians who visited a Tibet lake sacred to Hindus and Buddhists reported that the eight large gompas (monasteries) there are now empty shells, having been systematically blown up. One mile-long gumpa had been reduced to rubble. A pilgrim commented: "My impression was that the authorities had given up doing anything for the local people and that the Tibetans were living as hard a life as they had for centuries." There was no sign of the rich ceremonial life that once dominated Tibetan life. (SCMLN, NYT1N)

**Uygurs.** The Turkic autonomous region of Xinjiang has prospered economically. However the Chinese portion of the population has grown from 6% in 1949 to 42% (NYT 29o80) and there have been serious racial incidents. An affirmative action program has been instituted at the a.r. university to guarantee that 60% of entering students are non-Han (WP, 12S). More surprising, the government has made the traditional Arabic the official script for Uygur and Kazakh, and special classes are being organized to teach those who learned to read in Romanization during the decades when Arabic was banned. (FEE 1m)

**Other Moslems.** Members of the Niujie Hui "rebel corps" have been rehabilitated. The group had been suppressed by leftists during the Cultural Revolution. Some were beaten to death, others crippled. <BJ6o21'80>

**Koreans.** The ethnic Koreans living in Manchuria are educated in Chinese after graduating from primary school. There are radio (though not TV) broadcasts in the Korean language. According to custom, Koreans may eat dog meat. Altogether, China has 1.7 million Koreans. Inter-marriage with Hans is rare. Population control is not quite as strict for Koreans as for Han, but is stric-

ter than for most other ethnic minorities. People may receive mail from South (as well as North) Korea. (AR S)

**Yis.** In Sichuan's Liangshan Yi a.r., efforts are being made to train minority cadres, and 55% of cadres between the commune and prefecture levels (inclusive) are non-Han. {SC radio 10I81}

#### 04-C. SLAVERY.

Children have been sold into slavery in parts of rural Shandong, according to a Jinan broadcast (22D UPI-6I). It was indicated that the government is moving to prohibit such practices, which were blamed on China's feudal legacy.

#### 05-C. CAPITAL PUNISHMENT.

Although they are often commuted, death sentences are quite common in China, not only for acts of violence (see rape case, Nanfang RB 30J80), but even for such relatively innocuous crimes as embezzlement (see case of Li Changbao, PD 2N80).

Far from being embarrassed by the practice, the authorities have followed the ancient practice of flaunting it. Condemned men (the only known woman to receive a death sentence in recent years was Jiang Qing; her sentence will probably be commuted to a prison term) are paraded before the public in open trucks as a warning to other would-be miscreants. In a theatrical display, the man to be executed is taken through the streets, all the time held by the neck by armed guards. Loud speakers are used to lecture the public on the significance of it all. On the front of the truck may hang a banner reading "Prisoner for Execution" in black and white--the traditional colors for death. One such parade in Xian was witnessed by a UPI reporter on 16 January 1982 (KH6F). It involved a man who that very morning had been convicted of murder.

#### 05-J. CAPITAL PUNISHMENT.

Although carried out relatively infrequently in Japan, the prosecution often seeks the ultimate punishment in serious cases, such as that of "Red Army" murder suspects Hiroko Nagata and Hiroshi Sakaguchi (SCM 13I).

There is considerable opposition to capital punishment. On November 30, more than 200 people met in Tokyo to call for the abolishment of the practice. Various celebrities participated. It was argued that execution is tantamount to murder by the state, and has the

effect of eliminating (rather than saving) social dropouts. (JT2D)

#### 05-TW. PRISON CONDITIONS.

Writer and publisher Lee Ao, persecuted by the Chinese Nationalists for two decades, has just completed his most recent prison term--for alleged illegal acquisition of a house, etc., which had actually been entrusted to him by a friend (CPila)--and is waging a public campaign against the inhuman conditions in Taiwan's prisons. Although forbidden to publish a magazine, he has so far succeeded in coming out with frequent (monthly) small books, in which he discusses (among other issues) what life is like in Tu-cheng prison. Medical facilities are inadequate, there is insufficient water, and inmates are mistreated and often manhandled by wardens. One man, Li Tsung-ming, was actually kicked to death by a warden (the latter is now standing trial). There is only one doctor for the 3,300 inmates, and the few sickbeds are reserved for well-connected prisoners. (CN2N, SS).

We have received unconfirmed reports that two prisoners on Green Island died last year because of poor treatment. In November, 30 political prisoners there staged a month-long hunger strike to protest conditions.

#### 05-SK. CRUEL PUNISHMENT.

Various South Korean groups (in particular the churches) have been urging the government to stop the use of torture, and to alleviate the condition of tortured political prisoners "in grave condition." One widely-circulated leaflet describes the case of Cho Sung Woo (an aide of Kim Dai Jung) who is serving a nine-year sentence, and alleges that he was beaten during interrogation and is now half paralyzed. (NYT20M)

There have been numerous other instances of torture. One involved student Chang Kyong-su, who confessed to having "committed murder" when (as it turned out) another person was responsible for the deed in question. Chang later said that he "confessed" after being subjected to ten different forms of torture, including being hung upside down, and having pressure applied to his fingers with a stick. In some cases, the courts have simply thrown out confessions and acquitted the defendants. A case in point was Ms. Ko Suk-jong, who was so badly injured that she could not walk unaided into the courtroom, and cried repeatedly during her

trial. Publisher Lee Tai-bok was also tortured, however he was sentenced anyway. In addition, many Protestant church leaders have been tortured. Some defendants have suffered broken bones. (R, Malay. Star 9F; KH23I,17F)

Many death sentences have been reported: e.g. "spy" Lee Hun-chi (SCM18F, KH18F), and convicted kidnapper Chu Yong-hyong (KH17F).

#### 07-C. LEGAL EQUALITY.

Guangming RB <2F25'80> carried a long article upholding the principle (condemned a few years ago as bourgeois) that everyone is equal before the law. "Although unreformed landlords, rich peasants, reactionary capitalists and people who have committed counterrevolutionary crimes and other serious offenses have been deprived of political rights and do not enjoy the same political rights as other citizens, they should enjoy other civil rights such as personal safety, right to work, right to education and freedom of religion.... After they have been reformed or after they have served their sentences, they should be given back their political rights.... We must criticize 'legal nihilism.' Those who advocate it look upon laws as dispensable. They think as long as there are Party policies, laws do not really matter. This is muddled thinking."

#### 07-J. HANDICAPPED.

Although 1981 was internationally designated the Year of Disabled Persons, plans to build facilities for the physically handicapped and mentally retarded have met with stiff resistance from residents of the Karasuyama district of Setagayaku. Japanese have traditionally deemed handicapped persons undesirable. (MD25j)

#### LETTER (Cont'd from page 5)

to us the crucial principle of cultural relativity.

It is no coincidence, I believe, that anthropologists are in the forefront of the battle (a losing one, I fear) for the human rights of the Amazonian Indian tribes in the face of the unprecedented industrialization and mining going on in the most remote regions of Brazil. Others look at these people and see savages who are "superstitious." Anthropologists know they are human beings with a rich religious belief system of great complexity and beauty. ✕

## 09-C. ARRESTS.

By the end of 1981, most of the leaders of China's democratic movement had been arrested, pursuant to Deng Xiaoping's call for the removal of "unstable elements" <K13M>. In addition to those we have reported before, they include Wang Yifei, Xu Shuiliang, Yu Weimin, Yang Xiaolei, Tao Sen {Tongxifang #29}; Chen Lu (Amnesty Action I); He Qiu (CDM a8); Xu Wenli, Yang Jing, Zhong Yueqiu, Wang Rongqing, Zhu Jianbin, Qin Yongmin, Peng Guangzhang, Wang Tanyuan, Xing Dakun, Ye Zongun, and Liu Liping (SS). (We will have background on many of the people in our next issue.)

The Chinese authorities have arrested numerous people from Hong Kong who were visiting China. Apparently the victims' political activities in Hong Kong were the reason. One such person is journalist and artist Fang Dan, who has been sentenced (without trial) to two years labor reform. Fang was arrested in October 1980 as he was leaving Shanghai for Xinjiang, where he was to attend an art exhibition (Amnesty Action M). Other well-known cases are Ng Chung-yin (Wu Zhongxian) and Fang Yi-jin (Fang Yijun). [Both have described their experiences in the Hong Kong magazine Baixing (16F, 1M). For a critique of Ng's account, see Shiyue pinglun (October Review) 81D.]

Peking has released what are apparently the last of the imprisoned Kuomintang personages. These were lower-level figures (at or below county and regiment)--higher-level people having been released previously. (See editorial, page 3.)

The Washington Post (12F) has carried a feature article on what imprisonment had been like for recently-released intellectuals at one southern encampment. "Prisoners were forced to work [in mines and fields] seven days a week until sundown with only a brief intermission for lunch, which usually consisted of 14 ounces of rice and thin cabbage soup.... Meager food portions dwindled even further during times of economic crisis, such as the near famine of 1959-62.... [The main source for the account] said she was seldom beaten because she was 'well-behaved and very hard working,' but others were pummeled and kicked for shirking work, refusing to confess alleged crimes or breaking camp regulations.

"Despite reports from other camps that prisoners had been beaten to death by sadistic guards, ...she knew of no one dying from lashings at her penal farm. The roughest punishment was reserved for striking inmates--

--she estimated that between 20 and 30 percent of the prisoners regularly rebelled by refusing work--and the relatively few who dared to escape. Most escapees were recaptured by search teams with dogs, she said. They were dragged back to camp, locked up, beaten and brought before large groups of fellow prisoners, who were ordered to curse and criticize them....

"Along with hunger, exhaustion and illness were the prisoners' almost constant companions.... Thousands died of maltreatment during her 21 years at the camp."

**Espionage.** Two alleged Kuomintang agents have been arrested in Guangdong. Among other activities, they secretly sent out pro-KMT letters (presumably for disinformational use). They also attempted to establish a local "secret service organization" which "some individuals joined either because they were under the influence of the reactionary ideology or because they could not resist the lures of the material incentives." {Nanfang rb 31M 78485}

Three people were arrested as KMT agents in Changsha: Yang Mengqi, Yang Mifeng, and Tan Fuchu. <HN>

## 09-HK. I. D. CARDS.

A large number of people in Hong Kong have been arrested under a law requiring people to carry identity cards, but one judge has thrown out 1,661 cases on grounds that the law gives the police too much power. Magistrate James Wilson declared, "The police have no right to intercept ordinary citizens on the road." (AP19N CP20N)

## 09-JP. PREVENTIVE DETENTION.

Welfare Minister Tatsuo Murayama has stated that Japan has 40,000 mentally abnormal persons who may represent a danger to society, and Justice Minister Seisuke Okuno has called for "precautionary security measures."

However in a thoughtful piece in Mainichi Daily (30J), Hideo Matsuoka comments: "Every country of the world has this nagging problem. Some enforce precautionary security measures and then scrap them because they did not prove to be as effective as expected. There is no reason to believe that the measures that failed elsewhere will work wonders in Japan. There is no shortcut in stamping out the commission of crimes by abnormal persons. We have to do whatever little we can without violating human rights."

#### 09-NK. MARINERS FREED.

Although little is known about the undoubtedly large number of unjustly-imprisoned people in North Korea (see Sh 3), AP (19D) has reported that 21 South Korean fishermen who had been captured and held by the North Koreans for six months have been released and returned to the south.

#### 09-TW. RELEASES.

A few of Taiwan's political prisoners have been released, including one of those held since the early 1950s. He is Wu Yueh-ming, in poor health, and long a subject of Amnesty International's efforts. As of 24 February, he is considered paroled on medical grounds. (SS)

However, most continue to serve long sentences (including one hitherto unknown Green Island case dating from 1975: musician Chen Shen-ching from Pingtung, an alleged advocate of independence for Taiwan--SS).

#### 09-SK. POLITICAL PRISONERS.

Americans put the number of South Korean political prisoners at 400. (Others estimate 500. R28I) In March, amnesties and reduced sentences for 2,863 were announced, but it was reported that only 15 political offenders were released, mostly people arrested long before Chun Doo Hwan came to power.

Foreign pressures on Seoul to release political prisoners have been mounting. U.S. Ambassador Richard L. Walker has reportedly been engaged in "quiet diplomacy" regarding the problem. It is also expected to become an issue in the Japanese Diet when the question of aid for South Korea is raised. French President François Mitterand has said that a state visit by Chun to Paris would not be feasible until Kim Dae Jung is released. (NYT15M)

#### 09-U. JAPANESE MARINERS.

In the past, the numerous foreign fishermen (particularly Japanese) who entered what the USSR considers its territorial waters have been imprisoned in camps such as that on Shikotan Island north of Japan. There have been complaints of inadequate food, and of guards stealing packages sent by relatives abroad. Prison terms were usually for two to three years, but now they are for a year at the most, and fines are emphasized more than prison sentences.

#### 13-C. RESETTLED YOUTHS.

During the winter of 1980-81, Shanghai youths who had been resettled in the Aksu region of Xinjiang demonstrated their dissatisfaction at being unable to return home. A first hand account of the incident by Lu Wen appeared in Zhengming 1J {78567; see also 78505}. For a semi-official view, see article by Tian Ming, Da gong bao <4M6>.

Beijing Wanbao (12D) reported that 82 repeat-offenders had been banished from the city to undergo labor reform in China's far northeast (Heilongjiang).

#### 14-HK. ASYLUM.

The problem of Indochinese refugees continues to vex Hong Kong authorities. Most of the people are picked up at sea by foreign ships. Hong Kong now requires that foreign governments agree to resettle the refugees before ships from those countries are allowed to let refugees ashore in the colony. Many refugees who arrived in Hong Kong before this policy went into effect are in closed camps, and there have been outbreaks of violence. (SCM3I)

#### 14-JP. "ALIENS."

Various non-ethnic-Japanese have had difficulty with establishing their right to remain in Japan. Some ethnic Koreans (many of whom were brought forcibly to Japan to work during World War II) are considered deportable, especially if they have broken laws (e.g. Chang Myong Su, MD16D). Children of mixed parentage have been assumed to have the nationality of the father, which means that the child of a Japanese woman was not Japanese if the father was not (a law tested in the courts by Etsuko and William Wetherall and others--MD10M79).

On January 1 a revised Immigration-Control and Refugee-Recognition Act took effect, which addresses some of the questions of non-citizens rights. "They Expanded, They're Expensive," headlined the Japan Times (22N) account. The law stabilizes the status of Koreans, Chinese and Taiwanese, and makes it easier for some to gain permanent residency. However, fees and required bonds have increased--though the Justice Ministry has discretionary powers to waive these requirements. Grown children of alien fathers (as well as of alien mothers) apparently are eligible for permanent residency if they have behaved well, can support themselves, and one parent was Japanese. Spec-

ial provisions are made for refugees, and it is stipulated that no one may be deported to a country where the deportee is likely to be persecuted. (See also MD30o, JT22N)

#### 14-TW. REFUGEES.

Although in the past the Chinese Nationalists were extremely reluctant to permit refugees from Communist countries into Taiwan, the New York Times (30a) claims that 12,000 Indochinese refugees have been allowed in, 4,407 (all Chinese) for permanent settlement. "Taiwan is one of the few countries in Asia that not only grants temporary asylum to refugees but also offers to all who reach its shores permanent settlement."

#### 16-C. MARRIAGE.

UPI (6I) reports that women are still being sold into marriage in parts of rural Shandong. Jinan radio (22D) is quoted as blaming the phenomenon on the legacy of feudalism and imperialism. "The monopoly of marriage, mercenary marriage, the exaction of money or gifts in connection with marriage, and lavish weddings are prohibited," the station insisted.

In an apparent attempt to block her marriage to French diplomat Emmanuel Bellefroid ten plain-clothes police arrested artist Li Shuang on 9 September and sentenced her (apparently without trial) to two years labor reform. Other Chinese have been allowed to marry foreigners, and it is insisted that her desire to marry Bellefroid was not the reason for her arrest. However, one official account implied that Chinese do not necessarily have a right to marry foreigners. "What in the world are the facts about the so-called 'Li Shuang case?' Li Shuang, whom Bellefroid claims is his 'fiancée,' is actually a Chinese citizen.... Li Shuang's behavior indicates that there are obviously a small number of people in China who have no regard for national dignity, and who forfeit national character and their own moral integrity and engage in activities of selling their souls." <XH14N16>

The authorities have been vague about Li's alleged crimes. (She is accused of "espionage," "association with dissident movements," and "debauchery.") Doubtless a factor was her involvement in the democracy movement, and participation in unofficial art exhibitions. (WP13S NYT13N, Sunday Telegraph 15N, BR23N, SS).

#### 17-J. EMINENT DOMAIN.

Ten squatters refused to leave the 260-square-meter tract of land they had been occupying since World War II under an elevated Tokyo rail line. (MD30J)

#### 18-C. RELIGION.

Red Flag carried an article by Lei Zhen-chang on freedom of religion. "Of course, religion will not exist forever" but "the viewpoint that holds that religion will quickly disappear by itself with the development of economic construction, science and technology is unrealistic." Freedom to practice religion is now guaranteed, though "religious organizations are not allowed to receive subsidies or gifts from foreign religious bodies." A clergyman's religious activities should be limited to a house of worship; only atheists have the right to proselytize. "It is particularly important, Lei continued, to respect the religious beliefs of ethnic minorities. 'Religion is often linked with customs and habits. For example, ten nationalities, including the Hui, Uygur, and Kazakh are Islamic; Tibetans, Mongols and Dais are usually Buddhists, and the Christian religion has extensive influence among the Miao, Yu and Yi. Although we should not confuse nationality with religion we should realize that nationality issues are closely related to religious issues. Carrying out the policy of allowing freedom to believe is of vital significance in correctly solving the nationality issues.'" {1M 77918. Similar: BR16N. See also, \$02-C.}

At any rate, there is supposed to be no place inside the Party for religion. In October, Fujian radio carried a warning on the subject of religious elements infiltrating the ranks of the CP. {79689 p. 43}

**Islam.** See Hiwidi work (listed below, under "Recent Publications.")

**Judaism.** See Laytner article.

**Roman Catholicism.** Chinese authorities have confirmed the rearrest of a number of priests loyal to the Vatican. According to Communist Party United Front Work Department deputy head Zhang Zhiyi, "It is fully correct to hit at these people." He added that the people had been released after serving their original prison terms, and then had persisted in engaging in "illegal activities under the cloak of Catholicism." The main people affected were reportedly Jesuits, in addition to ten others in Shanghai, including Bishop Louis Zhang,

Jiashu, Fr. Vincent Zhu Hongsheng, Fr. Joseph Chen Wentang, and Fr. Fu Hezhou. There are also unconfirmed reports of Catholics being arrested in Zhejiang Province and elsewhere. (AFP14D; AR-I; Amnesty Action I; WP24S, 30N, 24I; Malaysia Star 2D, SCM27N)

**Protestantism.** See FEE 18S, 11D, 25D; NYT 13o, 19N, 20D, 26D.

**Folk Religion.** Fujian radio {79765} carried an article insisting on the distinction between religion (which is permitted) and superstition (which is not).

A good Western account by Richard Pascoe documents the comeback which folk religion seems to be making. The case is cited of a Manchurian "witch" who was jailed for seven years after allegedly torturing to death a 19-year-old girl considered possessed by demons. (AR F; see also Aw5F)

#### 18-JP. SHINTO.

Japan's Liberal Democratic Party is promoting public religious services at Tokyo's Yasukuni Shrine, long not only a place to memorialize dead soldiers, but also a rallying point for nationalism. The shrine is officially deemed "a religious juridical person," i.e. unofficial. But according to an LDP committee report, "It is an obligation of the government to perform memorial rites in honor of the war dead who died for our country. We should establish a rule to console these heroic souls perpetually."

#### 18-SK. KOREAN CHRISTIANS.

The Seoul government has made concessions to the National Council of Churches (Protestant), permitting biweekly prayer meetings at the organization's headquarters (banned since 1979). The churches had sought permission for weekly meetings. They are also active in the protests against torture (see \$05) and on behalf of workers' rights (see \$23). Leading figures in these efforts are Rev. Park Hyung Kyu, Moderator of the Presbyterian Church who has served five prison sentences, and Ms Park Yong Kil, wife of imprisoned theologian Rev. Moon Ik Kwan. (NYT20M)

#### 19-C. OPEN PRESS.

**Party.** Hebei Ribao {12I'81 77730} carried an article by Wang Zhaoping which maintained that while newspapers needed to report exemplary deeds, at the same time some political criticism should be carried. "There are, how-

ever, some comrades who have misgivings about the reporting of criticism and self-criticism in the Party press. They think that the practice will lower Party and leadership prestige. Some, after being criticized in a newspaper, have felt dishonored, or that they have lost face, and have found it difficult to do their jobs." Such feelings were said to be unwarranted. "Our definition of prestige refers to the standing and reputation of a person, a unit, or an organization in the minds of the people.... We cannot merely rely on publishing glorious statements in an attempt to revive the Party's prestige... The people have the right to criticize every single cadre who acts contrary to the people's interests, and this is irrespective of rank. As the ancient saying goes: 'The frankness of an educated person is worth much more than the quiet compliance of a thousand commoners.' The Party and the people respect those frank people who dare to uphold principles and who are adept at speaking out, but not those politically mediocre people who know only how to fawn and flatter our cadres and are accustomed to boasting and toadying. We want our leaders to adopt a correct attitude toward criticism in the media."

China's most informative newspapers are not available to foreigners (and often not to the average Chinese). For \$8,000, foreign businesspersons can buy a full-page advertisement in the paper International Trade News, for example, but for no amount of money can they see a copy. (NYT8a)

There have been more reports concerning the persecution of writers and editors during the Cultural Revolution; e.g., Yang Shu of Jiangsu, whose mental and physical health were impaired by "ruthless persecution." (BJ 25o27'80)

**Non-Party press.** Early in 1981, the Peking authorities sent down two internal documents affecting people's freedom of expression. The first, Central Document no.2 was aimed at "those craving nothing short of national chaos." It apparently was the basis of the arrests of those active in the underground press (see \$09-C). The other, Central Document no. 9, was directed specifically at the unofficial publications and the organizations behind them.

The following comment appeared in the Hong Kong magazine Zhengming {1m 78312}: "The organizers of the people's unofficial publications ...have found themselves in an unfavorable situation. At one time, they aroused interest in a variety of circles and made certain achievements. However, their foundation remained extremely weak. Such publications in China probably did not num-



ber more than 100, and their key personnel did not exceed 1,000 (possibly an optimistic estimate.) Using extremely primitive methods, they generally could only print 800 copies per issue..... [Even before the editors were arrested], just controlling the source of paper, blocking publicity and sale of publications, and closely watching the key figures (the responsible person of a certain publication in Guangzhou was under 24-hour shadow; some in Shanghai were asked to join "study classes") were sufficient to strangle the congenitally weak people's publications movement.... One only hopes that 'the world of the eighties will not again return to the darkest years' (the words of a friend in a people's publication at home [China]."

Officially, people are told that freedom of speech and of the press are respected, "but it is a mistake to believe that there are no restraints." People's Daily <16F17> went on to cite restrictions on freedom in Western countries (quoting from their constitutions) as justification, and it was implied that it is impossible to curb expression by counterrevolutionaries alone. And Beijing Daily <25M26> insisted: "Everyone should respect and observe social and moral standards. Anyone who makes statements violating public morality should be reprimanded and criticized.... Although we must struggle against attempts to suppress democracy and restrict freedom of speech, this is different from advocating unlimited freedom of speech."

**Foreign reporters.** In September, correspondents were warned by the government not to report on the dissident groups and their publications. Vice Foreign Minister Zhong Xi-dong said to reporters: "I hope you will have nothing to do with illegal things." To leave no doubt as to what that meant, he added: "Underground magazines are one of the illegal activities. I would advise reporters to be prudent; it is better not to report on such publications." Asked how one was to distinguish legal from illegal publications, he said only: "It depends...if what is carried in the leaflet or publications harms China's modernization effort and if it is not a well-meant one." (WP2S) <AFP1S>

Two weeks later a number of American correspondents published summaries of Liu Qing's prison memoirs (see Sh 11, centerfold), including the Washington Post. WP reporter Michael Weisskopf was called in for a reprimand, being told that "you lack the due responsible attitude as a correspondent and defied the provisional regulations of the

Chinese government concerning resident correspondents of foreign news agencies, which must be adhered to by them. If things of a similar nature happen again in the future, you will be held responsible for all the consequences arising there from." (WP23S)

Foreign journalists' rights are only vaguely defined. (Article 12 of the regulations concerning resident correspondents only says, "Journalistic activities shall not go beyond the limit of normal news coverage.") In 1979, when the United States and China agreed to exchange journalists, no accord was reached on the subject of their working conditions. The correspondents declined an offer from the Carter administration at the time to work out such an agreement, out of fear that they would appear to be other than independent from the U.S. Government.

#### 19-HK. PRESSURE FROM CHINA.

China's authorities have been making life difficult for Hong Kong's left-liberal magazines, though it once supported them. In 1979, Zhengming and Qishi Niandai were banned in China. More recently, Hong Kong businessmen have been pressured to withdraw advertising. Dongxiang closed last summer.

Frank Ching of the Asian Wall St. Journal (27N28) writes: "The pressure on the Hong Kong magazines reflects official Chinese intolerance with the voicing of different political viewpoints. Emphasis still is put on 'friendship' rather than objectivity, and 'friendship' too often is defined as total acceptance of the current political line. For example, a few years ago, critics of the Cultural Revolution were considered unfriendly. Now that China itself has repudiated the Cultural Revolution, those who say the Cultural Revolution was good and necessary are considered unfriendly. It isn't just what you say, but when you say it." (On the magazines, see also FEE7a)

#### 19-C. FLOW OF INFORMATION

**Freedom of information laws** are being enacted in various localities in Japan. Such a law is to go into effect in Kanagawa prefecture in September. The law is similar to the U.S. Freedom of Information Act. All information in the possession of the prefectural government is to be made available to prefectural residents, with minimal exceptions. (JT 8S) However, in the interest of people's privacy, steps are being taken by government at various levels to protect computerized information. (JT16N)

On appeal, the Tokyo High Court reversed a lower court and found two people who had tied campaign posters to utility polls innocent of wrongdoing, though it was indicated that the result would have been different if the posters had been pasted on. (JT6a)

The Supreme Court has upheld a law prohibiting government employees from engaging in political activities, even though the law is not enforced even-handedly. (JT6a)

Although the published version of the screen play "The Empire of the Senses" was banned as obscene, the government lost its case in the lower court and has had to appeal. One defense witness said that the only thing obscene was the prosecutor's attempt to find pubic hair with a magnifying glass. The defense was based on Article 21 of Japan's constitution, which guarantees freedom of expression. (JT12D)

## 19-SK. EXPRESSION.

**Newspapers** have lately represented a mixed picture in South Korea. On the one hand, they have loudly aired the problem of torture in the prisons. Nonetheless, the New York Times (20M) quoted a Western diplomat as saying that news controls were "tighter than at any time under Park."

Leaflets distributed on the campus of Seoul National University have been termed "seditious" by the authorities. (KH4F)

**Organizations.** 169 students at Seoul University have been accused of participating in unregistered "circles." Almost half were suspended or expelled. Organizations involved are the Social Philosophy Society, Hanol, Hungsadan Academy and Tanghak Study Society. (KH11F)

## 21-C. LOCAL ELECTIONS.

**People's Congresses.** In the past 2 years, delegates to local people's assemblies have been elected in China. In most instances, there was little challenge to the previous administrations. However, there were a few cases where democratic activists tried to open up the process. Two such elections are discussed elsewhere in this issue: those which comprise the election districts of Peking University, and Hunan Teachers College. Also noteworthy are two Shanghai cases --the candidacy of Xu Bangtai at Shanghai's Fudan University, who received 60% of the vote (Zhong Bao 28M80); and that of now-imprisoned factory worker Fu Shangqi his account in CDM a).

A report published in Jilin RB <4S9'80>

suggests that the elections in Shandong were not all that they might have been. "It was recently discovered that some units did not hold elections in line with the electoral law. ... The law stipulates that candidates for deputies to the people's congresses are to be directly elected by the voters, and nominated by electorates in various electoral districts and by various units. Formal name lists of candidates should be determined by voters after discussions and democratic consultations. However, some units held only one enlarged meeting of the Party branches. They asked responsible persons of the militia, Youth League, women's and security organizations to attend the meeting and, after only briefly studying the quotas of candidates assigned by higher levels, determined the name lists of formal candidates. Some units did not heed the law on fielding a number of candidates [greater than the number of offices to be filled]. Instead, they used a system whereby the number of those to be elected is the same as the number of candidates.... We should pay attention to these problems."

**Intra-Party.** Efforts have also been made to democratize the Party internally at the lower levels. However, Beijing RB <9o27'80> noted problems: "There are a few comrades who are not used to the new election methods and they still have some worries. Many of them are leaders; if they do not ideologically eliminate their worries, it will have a negative effect on the internal elections." Three problem areas were cited:

"(1) Fear of trouble. They think that the new democratic election method has too many procedures; there are diverse opinions and it is difficult and troublesome to obtain consensus.... [But] whether or not a task is worth doing ought not be decided by whether it is troublesome; we should consider whether or not it is important....

"(2) Fear of confusion. The so-called fear of confusion is actually fear of change--that the result of an election will be different from the wish of some leaders. Such results will certainly occur. If we want to be fully democratic, the outcome will not be the routine. ...The choice of who meets the standards may be different from the expectations of some leaders. This is a natural phenomenon; we cannot call it 'confusion,' for it is perfectly normal. Facts prove that such 'changes' are often changes for the better, and we should not make a fuss.

"(3) Fear of losing face. In the past, the list of candidates was proposed by those above, and the number of candidates was equal to the number of posts. Sometimes, there was the "guar-

anteed election: the superiors approved [the nominees, and then] the cadres' election was assured....

"It is true that [this time] some district and county Party committee standing committee members and deputy secretaries of the previous administration have not been re-elected. Some cadres, confining [their thinking to considerations of] personal gain and loss, are worrying that losing an election is 'a bitter experience,' and feel that they lose face. This idea is incorrect. We must get rid of the restrictive considerations of personal gain and loss. Instead, we must understand that the present election method plays an important role in motivating the reforms of the existing cadre system, and is helpful for making cadres 'genuine public servants.' It educates our cadres to be responsible not only to those above, but also to those below, and unifies responsibility to those above with responsibility to those below.

"Generally speaking, candidates in the list are relatively outstanding comrades whom everybody knows. However, comrades who fail in the election are certainly not bad people, and there is nothing to feel ashamed about. At present, comrades may not be accustomed to the idea and will take it badly. We must carry out ideological work on them. Eventually, they will get used to it and it will be all right."

For official discussions of the elections process in China, see BR 14S79, 25F80, 1S80. <Electoral law text: XH4j27'79; Cheng Zihua's report on elections: 12F13'80>

#### 21-TW. CANDIDATE ARRESTED.

Like other cases previously reported by us, Taiwanese lawyer Hu Shih-wu, non-party candidate for the last Legislative Yuan election, has been imprisoned supposedly because he held nine unauthorized forums during the campaign. Because the Kuomintang controls the newspapers and broadcast media, campaign restrictions do not seriously affect its candidates. (China News 21I81)

It has been reported that there was vote-buying in the November local elections, which were overwhelmingly won by Kuomintang candidates. Members of the National Assembly have urged the government to revise the elections law to make vote-buying a serious punishable offense. But it was also urged that "before the election, the security authorities should stamp out all illegal activities which will disturb the peace." (CP25F)

#### 23-C. LABOR

Although the central government does not generally acknowledge that China has a significant unemployment problem, many cities find the situation serious. Shanghai, for example, puts the number of unemployed people at 200,000 and foreign diplomats say the total is double that (NYT25M81). The national total is not known any more precisely. Peasants are considered employed by definition. The number of workers unemployed, according to the Peking publication Fortnightly Forum, is 17.5 million; others say 20 million (Aw8m).

Even those who are employed are not always satisfied with their condition. Housing (which is supposed to be supplied by enterprises) is a special problem, and young married couples often cannot live together. Even worse is the situation of people who work in regions far from their families, whom they may not have seen for years. In February there was a strike at a Taiyuan factory over this and some other issues. (In March, Peking agreed to regular home leaves WP30A).

The workers there had a now-suppressed newspaper called The Sail (WSJ11a). Demands were raised for an end to "dictatorship," the "scrapping of the one-party system," and recognition of the workers' right "to decide their own future." After this, Taiyuan Daily reported the dismantling of a "counterrevolutionary clique" whose members were standing trial for speaking out against the regime. The newspaper said that a minority of workers considered themselves to be "the poorest workers in the world," and acknowledged their demand to "decide their lot for themselves." <AFP2M>

Although there have been steps taken to democratize the work place, there is much worker support for the establishment of independent unions similar to Solidarity. Peking underground worker's newspaper Voice of the Masses declared: "We must learn from the daring Polish workers." (Aw8m) There were similar calls from Shanghai and Wuhan. (WP23M)

#### 23-SK. UNIONS.

We have just learned that President Lane Kirkland of the American Federation of Labor/CIO wrote a private letter to President Jimmy Carter on 12 September 1980 in which he said that the AFL/CIO was "deeply concerned over the evolving labor policy of the new South Korean government," and cited the forced resignations of 12 of 17 Korean union presidents. This and other government moves had resulted in "the denial of...basic free trade union rights." (SS)

Within Korea, demands for new policies toward labor escalated this winter. Changes in the law are sought. Now, such unions as are allowed to exist are considered company or government unions. On March 10, a mass meeting was held in a working-class section of Seoul. Dissidents distributed pamphlets calling for the creation of "real unions," a minimum-wage system, and an eight-hour work-day. (NYT20M82)

## 25-C. HEALTH

**Nutrition.** For the first time, China's peasants have exceeded the caloric intake of the early 1930s (before the civil war began) when they averaged 2000 calories per day.

According to a study by Yale economist Nicholas Lardy, this figure fell during the war years, rose in the '50s to roughly the earlier standard, and then dropped during and after the Great Leap Forward. (NYT5N80) According to another account (NYT11'81), city dwellers enjoy only 2,100 calories, largely derived from grain. The poor quality of the diet is said to be compensated for by the practice of urbanites to take long naps.

**Medical care.** Even in Beijing, there are only 30.8 hospital beds per 10,000 population. <3N480> Elsewhere, hospital care is even less adequate. Many of the 1.5 million "bare-foot doctors" (nurses, first-aid attendants) are giving up their careers to engage in more lucrative occupations. (AR A) Private medical practice, banned in 1966, is to be allowed again. The Ministry of Public Health issued an order allowing qualified doctors to resume practice again. <NYT7S80>

## 26-C. ACADEMIC DEGREES.

China's first master's and doctor's degrees apparently since 1949 will be awarded this year, the State Council announced. Fields include philosophy, economics, law, education, literature, history, science, engineering, agronomy and medicine. Bachelor's degrees may be awarded next year. According to the New China News Agency, "several attempts had been made to institute a proper degree system, but they were thwarted by successive political movements." (NYT21J)

## 26-TW. ACADEMIC FREEDOM

An international advisory panel accountable to the Taiwan Executive Yuan has recommended that the Ministry of Education discontinue its day-to-day detailed supervision of the universities and institute a program of periodic accreditation (CP8m).

## 27-C. CULTURE.

**Writers and artists.** More than 100 dead writers and artists, many victims of the Cultural revolution, have been honored. Among those named are writers Lao She, Tian Han, Zhao Shuli, Liu Qing, Zhou Libo, He Zifang, Yang Shuo, Cuo Ziaochuan; critics Feng Xuaifeng, Shao Quanlin; translators Dong Qiusi, Fu Lei; musicians Zheng Lucheng, Ma Ke, Gu Shengying; artists Pan Tianshou, Feng Zikai; opera figures Zhou Xinfang, Gai Jiaotian, Ma Lianliang, Li Shaochun, drama figures Jiao Juyin, Sun Weishi; film artists Guigei, Cai Chusheng, Zheng Junli; and photographer Zhang Yinkang.

However, the posthumous rehabilitation of these people does not rest on the notion of freedom from political interference. As Zhou Yang <11F27M> cited Deng Xiaoping as saying: "We have stopped raising the slogan of subordinating literature and art to politics, but this does not mean that literature and art can be separated from politics." Indeed, non-conformist writers and artists continue to be under pressure.

Propaganda Department head Hu Qiaomu made a long speech {8a 79936} in which he said that the socialist cause is still endangered by "bourgeois liberalism."

**Bai Hua.** During 1981, (if one were to judge from the various accounts), the arts in China were dominated by a film which only middle- and upper-level cadres were allowed to see: Bai Hua's "Bitter Love." (That became the name after Bai's preferred title, "Sun and Man," was vetoed by the Ministry of Culture as an unfavorable reference to Mao.)

Although a member of the People's Liberation Army since 1946, Bai has a long history of liberal "deviation." In 1957 he was sent off for labor reform as a "great rightist"--the label not being removed until 1961. He was persecuted again during the Cultural Revolution. In 1979, at the height of the democracy movement, he proclaimed to his colleagues: "Comrade poets, we would rather sing the praise of a brick in Democracy Wall than sing the praises of any savior." {HQ9 78425} The same year, he told a writers' congress: "Today we still cannot say that artists and writers are safe. There are still people who sign articles and books and give talks who are locked up and have hats put on them." (Text: DX32)

The film is about a successful overseas Chinese artist who returned to China only to be persecuted during the Cultural Revolution. The theme is the protagonist's unrequited love for his country, and the superstitious manner in which people worshiped Mao. By implication, questions were also raised regarding the Par-

ty's complicity in allowing the socialist system to falter.

First, an army report termed the film "antiparty" and a "poisonous weed," and demanded that Bai be dismissed from the army and Party. {ZM m 78412} In February, the PLA newspaper carried an article criticizing the film as "blackening the nation's image."

Then (15F) the same paper carried an article by Zeng Wenyuan arguing that while it is all very well for writers to be truthful and realistic, "the realism we advocate is a realism of ideas. It requires a writer not to transcribe reality mechanically, but to observe and also analyze life from the advanced ideological level of the time, to reveal the essence of life and its laws of development, and to demonstrate the author's advanced aesthetic ideals. One should praise the advanced personalities and events in life, describe great achievements and lofty values in revolution and in construction exemplified by the masses, but not gloss over realities or conceal contradictions. It may expose the ugly things in life and whip the reactionary, backward conservative forces that hinder the progress of history, but it should not make people feel pessimistic or discouraged, disheartened or dispirited, or bereft of their confidence in the future."

Cultural policy maker Zhou Yang, in a speech carried by People's Daily, took a somewhat softer line, however <25M27>, and politburo member Deng Yingchao (the widow of Zhou Enlai) wrote a letter to Party leaders urging an end to criticism of Bai Hua and other writers. Posters at Peking University appeared in support of "Unrequited Love" and there were calls for an open debate on its merits and faults. (WP7m; DX-m) {78726}

In May, China's Red Flag carried a fictitious dialogue in which the speakers, all intellectuals, agree that Bai (not mentioned by name) had "distorted the patriotic feeling of our intellectuals. Although our intellectuals have suffered, they never have lost their confidence in the glorious future of the motherland." WP7m. {77844}

At about the same time, the army's newspaper attacked Bai again, accusing him of contempt of country and Party. It was the first time a figure had been publicly attacked by name since the Cultural Revolution. At first, the standard Party press declined to join in attacking Bai, and even printed articles defending the right of an artist to produce creative works "even though they may not be understood and appreciated by many people." Eventually, these publications

printed criticism of the film, but generally did not attack Bai personally {E.g. HQ9 78425, HQ19 79619, HQ21 79794}.

Finally, Bai self-criticized: It had been inappropriate for a boy in the film to worship a statue of Buddha (obviously Mao). (PD 24D) At year end, Chairman Hu Yaobang (rumored to have been protecting Bai all along) declared the campaign over. According to reports, Bai has not been disciplined further, and is back at his writing. (SCM31D)

Ye Wenfu, et al. More recently, the army newspaper has attacked poet Ye Wenfu for his alleged anti-military attitude. One of his poems, "General Wash Yourself Well," describes a military figure who, after defeating his chief rival during the Cultural Revolution, has a lavish bathtub built for his personal use. Ye is now accused of "distorting and slandering the Party and the generation of older cadres." Another poet-critic of the PLA, Li Jianzhao, made a self criticism last year. (SCM10N, 15F)

Perhaps novelist Ba Jin put it best, when he advised writers to be "bold in creating, but prudent in publishing." (Aw8m)

(For more on films, see articles by Carol S. Goldsmith in China Business Review, N, and Isabel Hilton in Index on Censorship a. On Drama, see NYT20F80.) <On Hu Feng's rehabilitation: AFP14N1780. On censorship of foreign literature, art: Beijing WB AFP20m2280>

**Art.** Red Flag {1M 77918} carried an article urging caution in copying Western styles of painting. "It would be absurd to create new socialist art along the lines of capitalist art! ...History never repeats.... Those artists who are doubtful, who wait and see and who linger at the crossroads, will eventually wake up and find the correct and healthy path of art which they should follow."

**Science.** The media have given attention the problem of wasted talent. People's Daily reported that at the end of 1978, 196,000 scientists and technicians were out of work. (NYT14D80) For Guangdong (where there is but 1.7 scientists per 10,000 population) the figure was 30,000; the situation has improved, but "there is still a serious waste of talent." <13A22'80>

A national effort is being made to promote science and technology (S&T), though not on the basis of academic freedom. According to PD <7A21>, "All S&T work should contribute to increasing the agricultural productive forces, developing a diversified economy, and reforming technology in existing enterprises." Basic theory is not to be neglected completely. "Emphasizing that S&T should first and foremost promote economic development does not at all mean that basic theory and high-level precision and advanced S&T can be discarded." X

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# On Freedom of Speech

By HU PING

The essay which follows was written toward the latter part of 1980 as campaign literature for use in Hu Ping's successful bid to be elected Peking University's delegate to the Haidian District People's Assembly. The Party leaders were reportedly unhappy both with the way the campaign was conducted, and with the result. The Central Committee issued a critique charging that Hu had "resorted to a Cultural Revolution-style movement," and it dispatched a directive forbidding any republication of his writings. However, there was not the same kind of interference in the election that occurred in Changsha (see page 20). With another student, Fang Zhiyuan, Hu also prepared a draft "election law," which was sent to the National People's Congress for consideration (see Dongxifang #29).

But Hu's most important writing is the essay below. (We have omitted only a few portions, most of which--the conclusion--will appear in our next issue.) In view of the author's political success (albeit modest), and even more because of the article's incisiveness and comprehensiveness, we consider this to be one of the most significant statements yet to appear on the subject of intellectual freedom and its relevance for China.\*

--SPEAHR

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\*Hu Ping also wrote for a new house organ of the Chinese Academy of Social Sciences called Qingnian wengao (Youth's draft articles), in which he argued for greater press freedom. (The newsletter apparently was forced to cease after one issue.) {ZM-1M 78412}

This article was republished in the Hong Kong magazine Qishi niandai (Seventies) {M, A, m, J, 78222, 78485, 78576}, from which our slightly-condensed version is translated. Headings have usually been abbreviated or otherwise changed by us, and notes and bracketed comments are ours. --SPEAHR

## PART I

# A Fulcrum to Move the World

The purpose of this article is to assert freedom of speech. At a time when there is absolutely no freedom of speech, it is certainly not possible to engage in such a novel endeavor. However, at a time of complete freedom of speech, it would not seem necessary to expound on it. This peculiarity often leads to a misunderstanding; that is, to the assumption that the question of freedom of speech is dependent on the will of those in power. This misunderstanding again leads to a neglect of any work or discussion of the theoretical side of this question and thus results in smothering completely any value and vitality in the principle of freedom of speech. This unfortunate misunderstanding is so deep-rooted that when this highly important and sensitive topic is brought up, many people take it to be a tiresome commonplace, the empty talk of scholarly nitwits. But when a country is without freedom of speech, the real reason is that its people lack a consciousness of freedom of speech. It is for this reason that it becomes a matter of the highest importance to clarify the inherent meaning of freedom of speech, its value and power, in the course of our work of perfecting and developing our country's socialist democracy and legal system.

Freedom of speech for our citizens is the first article in the list of the various political rights in our constitution. If a man loses the right to make known his own aspirations and ideas, he will of necessity sink to the status of slave or a mere tool. Of course, to have the right of free speech does not mean to have everything, but losing the right of free speech will definitely lead to losing everything. In the science of mechanics, everybody knows the highly important function of the fulcrum. Even though the fulcrum itself cannot perform any work, it is indispensable to make the lever work effectively. It is said that Archimedes, the discoverer of the principle of leverage, made the statement: "Give me a fulcrum and I will move the world." In political life, isn't freedom of speech just like this fulcrum?

What is freedom of speech? It is the freedom to make known various opinions, and this includes everything: good speech, bad speech, correct speech and incorrect speech. If freedom of speech were to be limited to only the sphere outlined by those in power,

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History is very fair. Those who would not learn its lessons are taught them anyway.

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then one might ask: Is there any country in the world, past and present, that did not have "freedom" of speech? In this sense, wouldn't the article of our sacred constitution on freedom of speech become a most useless piece of rubbish?

Perhaps some will refute our conception by saying it is superficial to understand freedom as suffering no restrictions; it must be understood as a knowledge of the objective inevitabilities. Freedom of speech therefore does not mean to talk all kinds of nonsense; it must obey the inevitabilities of objective developments.

One rhetorical question is sufficient to show up the flaw in the above criticism: Since, obviously, it is also undoubtedly correct that man's actions have to obey the objective inevitabilities, why is there no article on "freedom of action" in the constitution? This shows that freedom in the concept "freedom of speech," the meaning of this term, must never be confused with and discussed as identical with that well-known philosophical proposition: freedom is knowledge of the inevitabilities. In "freedom of speech" we precisely use the term "freedom" in its simplest meaning, that is, in the meaning of being devoid of outside restrictions.

As to the common saying that every freedom has its limitations, that refers to rules inherent in the objective matter itself, and not to something imposing itself from outside. If I want to drink freely to my heart's content, my capacity for wine is a limit to such free drinking, but that does not at all influence our definition of freedom of speech.

We may point out in passing that some people consider it anarchism if "everyone is free to speak and act as he pleases." This amounts to equating freedom of speech with freedom of action. It is true that if everybody is free to do as he pleases, it may lead to a state of anarchism. However, if we extend our prohibition to preclude everybody from speaking as he pleases, that will lead to despotism. In our future opposition to any particular "ism," we must have a fairly distinct definition of it and not commit the same error as in the past when we opposed revisionism.

There is an ancient Chinese saying: "Do not condemn the speaker." What does it mean? Since it is only those in power who can condemn anybody else, and since those in power will of course not send their cohorts to prosecute someone who speaks the way they, the rulers, approve, it is clear that the saying "Do not condemn the speaker" especially affirms that no guilt should be attached to those who "sing a different tune." This again proves that our definition of freedom of speech above is absolutely correct.

### Distinguishing Speech from Action

Some say the rulers of any country cannot allow the fundamental institutions of their regime to be negated. It would therefore be necessary to prohibit all opposition aimed at these fundamental institutions. This is yet another typical way of not distinguishing between speech and action. May we ask: doesn't *Das Kapital* negate the very fundamental institutions of capitalist countries? We see, in discussing political problems, that we must under no circumstances confuse, and treat as identical, speech and action.

"But must we not comply with the demands of our basic duties as citizens?" We must only be clear about what it means to comply with the demands of our duty. Obviously, to carry out one's duties refers to actions and not to thoughts and speech. The meaning of the concept of duty is *action that must be performed*; if "duty" were extended to include thoughts, it would be illogical.

If anything of this nature were classified as duty, it would mean that it must be carried out no matter what attitude the individual might hold on the matter. If personal viewpoint and prescribed matter were identical, carrying out this matter would be a matter of course, but a duty, especially one with which the individual did not agree, would also have to be carried out. This shows that it is necessary to determine duties, because views are not necessarily the same. In the opposite case, in instances where everybody's opinion is always completely the same, there would be no need to determine duties. In a word, determining duties means demanding uniform action although acknowledging that



opinions may diverge. On the precondition that the required action is performed, the determination of duties therefore still permits people to set forth differing opinions, or even opposing opinions, with regard to the matter that has been determined as a duty. To consider the presentation of opposing views as a violation of one's duties shows a complete misunderstanding of what the term duty really means.

Only if speech is directly linked with action, can speech turn into a criminal act. The so-called frameups, slander and incitement are of this nature.

There is a distinct borderline between speech and action. This point must be emphasized again and again. Some people consider public speeches and publication of articles as actions. This is obviously nothing but sophistry.

### Is the Constitution Sacrosanct?

One view of criticism perhaps needs somewhat more attention. There are people who say that freedom of speech is sacrosanct because it was inserted in the constitution, and that the constitution is of course even more sacrosanct. Although there is the right to present various opinions, it is not permissible to criticize fundamental principles of the constitution.

This kind of objection leads people into contradicting themselves. On the one hand, according to the definition of freedom of speech one cannot exclude criticism of the constitution, and on the other hand, to oppose the constitution with the provisions of the constitution is also unthinkable. Actually, the contradiction is caused by a confusion about the borderline between speech and action. If we talk about the constitution being inviolate, we have in mind action by someone. If we say objections to the constitution are permissible, we have in mind utterances by people. The law had to be enacted originally to unify the standards of action by the people, because it is necessary to have a common standard of action for the people to respect and follow, precisely because their ideas are bound to differ. The authoritative nature of the constitution is manifested in its binding force on actions of people holding different views, but it does not deny the legality of people harboring different ideas.

The principles of democracy not only demand that the minority submit to the majority, but it also demands at the same time that the right of the minority to hold a different viewpoint be protected. Any law which acknowledges the principles of democracy, including the constitution, must not reject the freedom of speech, nor restrict it. On the contrary, true freedom of speech must serve as the basis, precondition and indispensable regulator for the creation and existence of such laws, to rectify any possible mistakes, prevent abuses and to provide latitude for future improvements and development.

However, some may counter with the argument that the constitution has been generally acknowledged by the entire people, so how could we allow it to be criticized and opposed? This is a hollow argument. A principle that has been acknowledged by the entire people means that there was nobody who criticized or opposed it. If there had been a group of people, or even one single person, who raised criticism or opposition, that would clearly demonstrate that the principle had not at all received the recognition of the entire people. The problem here would still be a con-

flict between the opinion of the majority and that of the minority.

Actually, the constitution cannot possibly, and need not, be approved by every single citizen. Beyond that we should also consider that the constitution adopted by all the people of one generation is for the second and third generation first of all a ready made affair to which they did not give any consideration and which existed before there could even be talk of the later generations having given unanimous approval. Since it applies to them, they should have the right to give it their renewed consideration and express new ideas on it, as long as they fulfill certain duties. People can express all kinds of opinions on the constitution, including opposing viewpoints; this is a right granted by the very provisions of the constitution.

The mistaken ideas about criticism that we mentioned in the preceding paragraph have their crucial source in the lack of distinguishing between the affairs of the party and the affairs of the state and the lack of distinguishing between the significance of the party constitution and the state constitution. A member of the party has the right to criticize a certain decision of the party and certain acts of leadership in the party, and even to criticize the basic program determined by the party, because when he joined the party out of his free will, as a precondition he approved the basic program of the party constitution, so that anyone not approving the basic program of the party constitution should then also not be a member of the party. However, the relationship of the citizen to the state constitution is quite different. A person becoming a citizen under a certain social system does so in the majority of cases not as the result of a free choice. Since there had been no conscious choice, how can we force certain convictions on him? He has the duty to obey the provisions of the constitution in all his actions, but he has no responsibility to accept and approve the basic program of the constitution. If he should—only verbally—criticize and oppose the basic program of the constitution, it would not constitute a reason to deprive him of his citizen's rights. Marx very early pointed out that laws which punish certain ways of thinking are not laws that the state has promulgated for the benefit of its citizens.

And furthermore, the reason why the party member must acknowledge the basic principles of the party constitution is not only that he joined voluntarily and is free to leave the party, but also that the party constitution does not judge and sentence party members. If we were to insist on prohibiting criticism of the state constitution by the citizens, we should not only give every citizen the freedom to join or leave the state, but should also abolish the punitive function of the constitution against those who do not want to accept its basic program. In the end, no guilt should be attached to those who speak out. It would be as good as making the state constitution into a party constitution and turning the state into the party. The result would necessarily be that in order to harmonize the relationship between those who acknowledge the basic program of the state constitution and those who do not, we would be forced to draw up a new set of agreements which would then deal only with actions but not with ways of thinking. This would in fact amount to enacting another state constitution. This constitution would be a constitution in the true sense, and the earlier constitution that punished ways of thinking would then no longer be applicable.

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No people, least of all the Chinese people, are born troublemakers. They turn into troublemakers only when their needs are not met and their rights are denied.

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## Is Freedom of Speech “Bourgeois”?

We have already clarified the meaning of freedom of speech. The only thing we could be blamed for is that people may criticize us for advocating a “bourgeois freedom of speech.” It appears easy to reply to this criticism because the critics themselves cannot state clearly what they call “bourgeois freedom of speech” and what they call “proletarian freedom of speech.”

So-called “bourgeois freedom of speech” may possibly refer to the following two conditions: 1) freedom that allows only the bourgeoisie to speak, and (2) freedom to state only opinions that do not violate the fundamental interests of the bourgeoisie. The former limits the identity of those who want to speak out, and the latter determines the nature of what may be stated. But conditions like this could only be called “unfreedom” of speech and not “bourgeois freedom of speech.” Everybody knows that neither of the two conditions exist in the countries with bourgeois democratic systems. Since this is so, is there any basis for talking of “proletarian freedom of speech” in contrast to “bourgeois freedom of speech”?

Viewed from the standpoint of a person with even a small idea of what a modern state should be, the oppression by those in power over those that dissent is a most brutal misuse of power, even though these persons may firmly oppose the viewpoint of those that dissent. However, viewed from the standpoint of people who have been too deeply influenced by feudal autocracy, the oppression of dissenters by the rulers is a most natural and necessary course of action within the limits of their rights. Even in cases where they might secretly completely agree with the viewpoint of the oppressed, the oppressors will affirm that their kind of oppression is “reasonable.” The lamentable thing is that many comrades in their minds have not the slightest understanding of the fact that every kind of power needs controls. They absolutely do not understand what is called the rights of citizens. They do not understand that the power of government must only be used to protect the rights of its citizens and must under no circumstances be used to infringe on the rights of the citizens. Some people even go so far as to give their naive viewpoints Marxist labels, and use ambiguous and confused formulations instead of carrying out penetrating analyses of complex matters. On the one hand they don’t understand very well what is bourgeois, and on the other hand they apply the term bourgeois to everything that they don’t understand. So-called bourgeois freedom of speech and proletarian freedom of speech—these fabrications—are nothing but typical manifestations of their singular stupidity.

How then are we to recognize the deceptiveness of bourgeois democracy? We must realize that democracy is, exactly as Lenin expressed it, a kind of state form. What determines the real substance of a state is its economic structure, its production relations, in short its system of ownership of the means of production. The deceptiveness of bourgeois democracy consists in its using the form to conceal the substance. There is the famous saying by the progressive French writer [Anatole] France which bitterly reveals the point: “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges.” On the surface, it would seem that the workers and the capitalists in countries with bourgeois democracy enjoy the same political rights; however, in substance, due to the exploitation suffered by the workers under the capitalist production method, there is no true and firm material guarantee of their political rights. An unemployed worker has no way to enter the campaign for the presidency, although in name he has the right to do so.

In the democratic system, all basic principles, such as freedom of speech, cannot in themselves be divided into “bourgeois” and

“proletarian.” In certain outer forms, the bourgeois and the proletarian democratic systems are very similar; otherwise, why should both be called democratic systems? It is only because of the completely different economic base on which they rely that one is called a bourgeois democratic system and the other a proletarian democratic system. Furthermore, certain democratic principles, such as freedom of speech, have admittedly been gained and spread as a consequence of the bourgeois revolution, but they are by nature spiritual assets of all mankind, they are the excellent fruits of mankind’s cultural progress. We must not humbly hand over this heritage to the bourgeoisie. In actual fact, we made it one of the tasks of our struggle at the time of the democratic revolution to gain freedom of speech. As soon as new China was established, we wrote freedom of speech into the republic’s constitution without the least hesitation, which shows that freedom of speech as such is a correct principle. Let us not forget that when Marx first stepped on the political stage, two or more of his early articles dealt with freedom of speech and freedom of the press. It is true that at that time he was not yet a Marxist, but without 1842 there would have been no 1848. (Note: In 1842 Marx published his article on freedom of the press; in 1848 he published his “Communist Manifesto.”) Merely upholding the viewpoint of freedom of speech and going no further, of course, does not make one a Marxist. However, if a person has not even reached this stage, or even opposes freedom of speech, he qualifies even less as a Marxist.

After all, Marxism was produced in the capitalist West. The Chinese intellectuals, deeply influenced by Eastern feudal autocratic thinking, often easily understand and accept that part of the theory that criticizes and negates Western culture, but they do not easily understand and accept that part which is traditional and positive. Even today, 30 years after the establishment of our republic, we are still forced to carry out repeated mopping-up operations against feudal autocratic thought. Is this serious lesson not sufficient to awaken us to the need to start out from a more comprehensive viewpoint in our efforts to gain a better understanding of Marxism?

## Beyond Feudal “Freedoms”

As mentioned in the preceding section, the principle of freedom of speech gained deep and widespread propagation mainly through the bourgeois revolution. Since China never went through a stage of highly developed capitalism, many Chinese were left without an understanding of the true meaning of freedom of speech. In actual fact, in the understanding of some of our comrades, democracy is nothing but an enlightened autocracy. Freedom of speech, as they understand it, is not different from the submitting and accepting of remonstrances and widening access for public opinion to reach the ruler, as practiced in feudal society. We must point this out here.

The system of remonstrating practiced in feudal society was not truly freedom of speech, because the sphere of what might be stated by ministers or the people was actually decided by the will of the emperor or king. Due to differences in historical conditions and in the character of the rulers, this sphere at times was somewhat wider and at times extremely narrow. However, in any case, there were these limitations. The existence of freedom of speech in a country does not depend on whether the rulers are willing to lend an ear and will tolerate critical opinions, but on whether the rulers have the power to punish those who hold opposing views.

There have been emperors and kings who may have shown leniency and tolerance toward critical or even certain opposing views, whether because they wanted to attract talent, or due to

anxieties in the early stages of their rule, or due to some concern for the opinion of future generations, or due to a generosity and big-heartedness at the height of their glory, but to call this kind of attitude freedom of speech would be making a mistake about the substance of the matter. It is nothing else but an enlightened autocracy. If certain emperors and kings used their power in a more enlightened and wiser way, it does not change the nature of unlimited power in the hands of the feudal rulers, and it does not mean that the people already enjoyed the right of free speech that could not at any time be taken away from them. This kind of enlightened autocracy was always the exception in the long existence of feudal society. Furthermore, such periods were always the result of the bankruptcy of a preceding regime of extreme autocracy, and at the same time they always paved the way for the advent of another period of extreme autocracy. No matter how high the kite flies, it is not free, because one end of the string is in the hands of the person who controls it. No matter how broad the road of success under an autocracy, it was not freedom, because the power to control speech was in the hands of the emperor or king.

True freedom of speech exists only when the rulers do not have the power to punish dissenters, only when the right to free speech exists independent of whether it enjoys the protection of an enlightened ruler, and only when the people have learned to resist power in its attempts to interfere with free speech.

### Comrade Mao and Free Speech

Comrade Mao Zedong has made many correct expositions on the questions of freedom of speech. Here we intend to quote some of these statements as evidence in order to attract greater attention.

Comrade Mao Zedong pointed out that one should allow people to talk. If people are allowed to talk, it will not bring down the heavens. As long as they do not violate discipline, do not organize secret gangs, everyone will be allowed to talk. If they say things that are wrong, they still must not be punished. We are not restricting talk to only one man's opinion, but will allow the masses to have their say. We want to have everyone say all he knows and say it without reserve. The speaker must not be blamed, but his words must be taken as warning. We want to follow the "three-no principle" of no more seizing of people in queues, putting caps of shame on people, and hitting people with sticks. He clearly pointed out that even people who made statements against any party and against socialism should be granted freedom of speech, as long as they did not commit acts of sabotage. Eradicating poisonous weeds in the ideological field is one thing, but punishing people is another. There are many more of his statements in this vein. He furthermore gave explanations for the implementation of these principles. However, the sad thing is that it has not been possible in all these years to implement the principles, for reasons of theoretical confusion and for psychological reasons. This is well worth pondering.

The greatest theoretical confusion arose by refusing freedom of speech to reactionaries and at the same time declaring that people who publish reactionary statements are reactionaries. In the following we shall explain that this way of arguing is actually arguing in a logical circle. It will necessarily lead to a situation of "might is truth." For many years, good and honest Chinese have engaged in the foolishness of killing each other, the entire political and cultural life suffered an unprecedented calamity, and in all this the above-cited specious logic played a primary role. It has actually become a central issue in the argument for freedom of speech to criticize and defeat this fallacy.

The psychological reason was the so-called "rightist-scare syndrome." By carefully observing these people in China's political

## They cannot explain the difference between 'bourgeois freedom of speech' and 'proletarian freedom of speech.'

life, one quickly detects the following peculiar phenomenon: Some statements by Comrade Mao Zedong, whether only a few words or bits of phrases, were ardently venerated as divine, and even to doubt them would be considered treason and heresy. On the other hand, certain statements, even though they were repeated injunctions, were completely ignored, and even discussing them would bring down a calamity on your own head. In general, phrases that were somewhat "leftist" or that could be conveniently adduced to demonstrate one's own "revolutionary firmness," met the fate of the former, and statements that were nearer the middle and could be counterattacked by people as showing a "questionable political stand," were of the latter kind. The "instruction from the highest authority" to "struggle by reasoning and not to engage in armed struggle" could not prevent total internal disorder. The spirit of "Don't blame the speaker" could not reduce the huge number of "ideological criminals" and "speech criminals." On the question of freedom of speech there is no clarity even to this day, and people still cannot decide which of the two views is correct. There are also still people who publish proposals which advocate, against their own convictions, keeping speech fettered, which inevitably recalls Andersen's tale of the emperor's clothes. People are afraid to be called fools and would rather not trust their own eyes. In our place people are afraid of being called "of unstable political stand" if they rely on their own intelligence. History has proven without exception that apart from cases of invasion by an overly strong enemy, national calamities were brought about to some extent by the people's own actions, and that purposely going against the call of one's own reason is the curtain-raiser of tragedy. We only hope that in the future we will not follow the same old disastrous road.

### The Need for Clarity

There are two objectives in quoting authoritative statements: 1) to prove that a certain argument is derived from a certain authority, or to prove it was first affirmed by a certain authority, and 2) to use the standing of one's authority in order to arouse the serious attention of one's opponent to the point in question. However, quoting an authority is not necessarily a substitute for reason. We should not, and must not, merely count on the name of our authority and convince our opponent only because of his admiration for that name. In short, an authority is not the same as evidence. In the question of freedom of speech, we must therefore adduce further evidence. This is not at all a superfluous act of tilting at windmills. In fact, this is a most realistic and most urgent theoretical task. We know well that there are quite a number of people, among them some clever brains in responsible positions, who in their hearts take exception to freedom of speech. There are some among those who favor freedom of speech who possibly do not fully understand the theoretical base and the practical foundation on which this principle rests. Finally, among those who fervently approve of freedom of speech there are some who may not necessarily realize clearly its invincible nature, that is, the source of its strength. For this reason in the future we will give much attention to all considerations of others and make every effort to give an exhaustive and complete exposition, to clarify any possible confusion, and to convince all possible opponents in our debate. This will result in a lengthy article, but in view of the

serious significance of this problem, the reader will perhaps have the patience to read it to the end. When we consider our objective, namely that we and future generations will never again be threatened by the terror of being punished for speaking out, and that we want to remove completely this evil mountain that weighs heavily on the spirit of the Chinese people, we actually fear that we are too brief in our discourse and not thorough enough.

## Punishing Speech

The first reason that freedom of speech must be implemented is that words are not an appropriate target for punitive laws. During a certain period of our past, we deprived certain people of the right of free speech. That was done because they had exploited and oppressed other people, or because they had committed acts of sabotage that were against the law, but certainly not because of their speech or thoughts. The law can punish only outwardly apparent actions. Marx pointed out: "Any law that does not aim at the action itself, but takes a person's way of thinking as the main criterion, is no more than public approval of an illegal act." "As far as law is concerned, apart from my actions, I do not exist; I am not at all a target of the law. My actions are the only area in which I have any contact with the law. It is by my actions that I claim my right to exist, the only means of asserting my rights, and furthermore the only factor by which I am controlled by the laws in force." He also pointed out that any law which prosecutes inclinations, that is, a law which "wants to punish what I think and ignores my actions," is "a kind of slur on the reputation of citizens; it is a treacherous pitfall that threatened my existence." Experience tells us that laws which punish thought actually consider every citizen as criminally suspect. A man may earnestly and seriously pursue the truth, but he cannot preclude the possibility of falling prey to fallacies. He may be careful in his actions, but he must show courage in his thinking. Some say ideological liber-

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Early on, Marx pointed out that a law which punishes certain ways of thinking is not a law promulgated for the benefit of the citizens.

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ation has no forbidden zones but has limiting borders. These people have forgotten that ideas as such have no limiting borders, much as the universe. If you discover limits, that means you have already gone beyond this kind of limit. These people have forgotten that recognition of the limiting borderline means that you want to reflect on both sides of the borderline. In other words, we must reflect on what should not be reflected upon. All kinds of principles, whether right or wrong, must only be conclusions of reflections and cannot be *a priori* commandments. A law that punishes thought tries to delineate borderlines for thinking, which in itself is a contradiction. Its results can only be an ossification and stifling of ideas. So-called "abiding by the law," that is, keeping your actions within legal bonds, is something that can be accomplished. But how can one demand that a person think within legally determined bounds? How can one possibly prohibit people from thinking certain thoughts? Thoughts are free, they cannot but be free. "I think" means "I think what I think." "I think what I think" means "I think whatever I want to think." This cannot even be mentioned in the same breath as "I do whatever I think of doing."

Every action results from a certain thought, but not every thought necessarily leads to a certain action. There is the old say-

ing: "Think thrice before you act." Speech is the outer manifestation of thought; it is not necessarily always a signal for action. The more fully man uses the language tool to freely interchange ideas, the better his ability to arrive at a correct understanding and at a more reasonable and wiser action. It follows that suppressing speech often does not prevent mistaken action, but rather prevents action based on careful thought and consideration. Its result is bound to be that if the pressure is sufficiently strong, people will be dispirited and passive, and if the pressure weakens, people will engage in willful disturbances. That means that restricting free speech does not necessarily restrict action, but it will restrict ideas. Strictly speaking, it restricts the interchange of ideas, the maturing of ideas, the development of ideas, and as a result strangles reason.

Since the punishment of speech is not the punishment of actions but the punishment of thoughts, there must be a determination of what kind of thought is criminal. If reactionary thought is sufficient grounds for punishment, why only take openly expressed speech as grounds for punishment? Why not put hidden microphones into every household? Why not open and check all private letters? Inspect all private diaries? And besides, certain thoughts can at times also be expressed by the tone of voice, by facial or other expressions, or even by silence. Why then not also punish "illegal crying," "laughter with certain hidden meaning" and a "reactionary stone silence"? Indeed all these disgraceful fascist acts have occurred and have been perpetrated under the banner of all-out dictatorship, because they really logically evolve from the punishment of thought. All these crowning successes of evil are nothing but the tail of that lizard "criminal thought." As long as we want to preserve the body of "criminal thought," its tail, even if cut off repeatedly, will always grow back. No wonder young Marx was so infuriated by the idea of "criminal thought."

At the same time, speech cannot be checked as easily after it has been uttered as an action can be checked, unless the speech has been made visible in writing. In the past few years the cases of miscarriage of justice, when someone was accused of having said something but somebody else was sentenced instead, have been so numerous that even though the tables were turned on the accusers, we still cannot get a clear idea whether these were cases of false accusations, and the only result is that the number of cases of miscarriage of justice are constantly being increased.

Perhaps some of those who want to uphold the punishment of speech might say: We will attach importance to evidence, we will oppose illegal checks on the private lives of people, we only want to punish those who have been actually proven to have made reactionary speeches in public. It is true that this would arouse less resentment, but the reasons they use as a basis for saying this, if considered in their true light, are doubly hateful. First of all, if there were a reactionary ideological trend that made it necessary to institute autocratic rule, it would be complete dereliction of duty to abstain from supervision and investigation of the private life of individuals. Next, if this method were employed, we would be punishing not all the persons guilty of reactionary thought, but only those who willingly expressed their reactionary viewpoint publicly and responsibly. We would punish the good and honest and let off the crafty and tricky ones. We would punish those who to some extent still believe in us and let off those who are completely hostile to us. We would be punishing those who still want to argue with reason and therefore are still able to acknowledge the truth and would let off those who absolutely refuse any debate. In fact, we would encourage people to plot and scheme and we would instigate people to adopt a two-faced attitude. Does this not deserve to be even more emphatically condemned?

Next, punishment of speech would encounter another difficulty which would be impossible to solve, namely the question of

# Some people say that the masses only need faith, not an understanding of truth. They assume that to keep one's faith pure, one needs to be ignorant.

determining criteria. To give attention to these criteria would not be a matter of distinguishing between right and wrong, but of distinguishing between ourselves and the enemy. The "Six-Article Standards" obviously do not suit the purpose.\* Furthermore, these criteria would be legal criteria, to be applied in meting out punishment, and therefore could not be adopted from the loosely defined political criteria. In other words, we would have to insure that violations of these criteria were committed with distinct counterrevolutionary intent. We would also have to insure these criteria were not interpreted in different ways.

In setting these criteria, there would be two alternatives. One way would be to have them tend toward the right and definite, and the other would be to have them tend toward the flexible and comprehensive. The former way would strictly adhere to words, the latter would look at the general tendency. Unfortunately, neither method is of any use.

According to the first consideration we would explicitly determine which words would be prohibited, so that their use would constitute a counterrevolutionary act. The advantage of this method would be that no divergent interpretations would be possible, and thus the misuse of power and the occurrence of cases of trumped-up false charges and miscarriage of justice would be avoided. The disadvantages would be excessive rigidity and opportunity for people to exploit loopholes, which would almost completely wreck their functioning as a prohibition. Human speech is rich in variations and extremely subtle. Avoiding the taboo of certain words and evading the obstacle of certain phrases would still permit people to express their ideas just as before. Different phrases can communicate an identical idea; identical phrases can bring about different reactions. If we were to adopt this method of determining criteria, our efforts would be doomed to failure.

The second method also would not stand close scrutiny. A criterion that would consider general tendencies in itself could not be concrete and definite. It would require a faculty of understanding on the part of the person applying the criteria that would in the end lead to punishment at the discretion of a single person and abolish punishment according to law. Everybody knows that ambiguous and equivocal law is not worthy of the name. If people who sincerely uphold the law can give all kinds of different interpretations to one and the same law, that law is rendered ineffective.

It is already a proven fact that the overwhelming majority of the frighteningly large number of cases of frameups, false accusations and miscarriages of justice during the past twenty years came about through the prosecution of speech as a crime. The serious consequences of these mistakes far surpass what is imagined. There is an ancient saying: "Punish and warn one hundred," which is no longer true today, when the killing of one can

in fact warn a thousand, ten thousand, or even more. In the Tienanmen Square incident, only some 300 or so people were mistakenly arrested, which is less than one three-millionth the total Chinese population of one billion, and that was enough to cause a white terror of nationwide proportions! What lesson must we draw from our past mistakes? At least this one: never again should punishment be meted out for speech as a crime.

However, a minority of people do not look at it that way. They say all we have to do in future is merely to take care to make stricter distinctions. One does not know whether to laugh or cry over such an argumentation. Does this not amount to saying the reason why so many cases of frameups, false accusations and miscarriages of justice occurred was because at that time people did not, subjectively, "differentiate strictly enough"? It is true that whatever the job, it is always hard to avoid making mistakes, and one must not shirk work for fear of making mistakes. However, punishing speech as a crime does not belong in this category. Punishment of speech as a crime is not what the revolution needs. Abolishing punishment of speech as a crime does not mean that we give up the ideological struggle. There is the saying, "3,000 enemies killed, 800 of our men wounded." in a revolutionary undertaking it is not uncommon to suffer certain losses among one's own fighters. But there are two kinds of losses here: one is getting killed in frontline fighting and the other is getting killed somewhere else by a sniper's shot. But how can it be still justified if the heroes at the front charge the enemy, and only because of a slight suspicion that maybe some bad elements might be among them, are strafed with a merciless salvo from their own camp in the rear?

There are some who strongly advocate punishment of speech as a crime while hardly giving any thought to the meaning of such punishment. We might as well make a brief analysis of it in this section, as possibly helpful in strengthening our argument that no guilt should be attached to those who speak out. In general, punishment has the following functions: compensation, reform, isolation, deterrence to potential criminals.

Paying with one's life for murder, paying a fine for embezzlement, are instances of compensation, but a compensation is always exacted in the same kind (except where nothing of equal kind exists). According to this logic, compensation for one kind of speech should be in another kind of speech. Since this is so, a country where opinions can be freely expressed will permit criticism and also criticism of criticism, and there would be no grounds to exact compensation by any other means. Seizing people and incarcerating them for having said certain things obviously does not serve the purpose of compensation. We see therefore that there is no justification under the aspect of compensation for punishment of speech as a crime.

Regarding reform, speech is a problem of thought which can only be solved by convincing. By punishing someone and forcing him into submission you cannot truly change a man's conceptions. We must bear in mind that the theory of reform is based on gaining one's purpose by changing the bad environment or lifestyle to bring about a transformation in the way of thinking. It is therefore a method that only applies to people who live in a bad environment, or have a bad lifestyle which is apt to create bad thoughts. It is absolutely senseless in the case of someone who works in a regular job and lives a regular life, but merely harbors a differing view.

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\*These standards were laid down in Mao Zedong's 1957 "Hundred Flowers" speech (or at any rate in the published revision thereof). They are: that speech should unite China's nationalities, aid socialism, help consolidate the people's democratic dictatorship, help consolidate democratic centralism, strengthen the leadership of the Party, and uphold international socialist unity. ("Selected Works," V:412.) {For a commentary on the six standards, see DX 16S79 74714}.

As to isolation, due to the fact that the speech has already been made and has gained an independent existence, punishment can only isolate the speaker and not the thought that has already been expressed by him. If a viewpoint is rejected by the masses, there is no need to isolate the speaker. If the viewpoint is accepted by the masses, isolation of the speaker is useless. Some say that isolation of the speaker can prevent the further development and spread of certain ideas and is therefore still justified. However, erroneous ideas are not like poison gas or bullets; they cannot by themselves do harm to people's conceptions. Unless a person finds a certain viewpoint reasonable, this viewpoint will have not the slightest influence on him. This is especially the case because the viewpoints we are dealing with here are "unorthodox" viewpoints that are not in any controlling position; they lack all power to force anyone to pay attention to them or to accept them. If a viewpoint that finds itself in such a disadvantageous position is still capable of attracting the attention of others, it must be that people have subjected it to a careful comparison with the official view and have become genuinely convinced of the superiority of the former. This is always a sign that the viewpoint contains some fresh truths. In other words, one need not guard against the spread of truly absurd statements, while ideas that can conquer the minds of people are more often than not correct ideas.

Of course, some people will say that the majority of people are always full of curiosity, and their attention is easily attracted by any unorthodox viewpoint. However, we would say to that: only in an atmosphere where one person's opinion is made to dominate exclusively will people display a particular and extraordinary interest in any kind of dissenting viewpoint. As long as various viewpoints can be freely expressed, people will not give attention to the opposing viewpoints. One must realize that those viewpoints which exercise influence by relying on people's curiosity were born under the prerequisite of lacking opportunities for normal expression. Once people become accustomed to seeing opposing views published, their curiosity about them will disappear. It is therefore good sense if some people point out that the suppression of opposing views is more often than not making counter-propaganda on behalf of the suppressed viewpoints.

Furthermore, the intention of preventing the spread of opposing views is nothing but forbidding the people to accept erroneous views, and as such it proceeds from the standpoint of a guardian, while the masses are taken for imbeciles, and from the standpoint of the "official acting as father and mother of the people," while the masses are taken for little children. Under the best of conditions, this will merely nurture people with one-track minds and give rise to a dogmatism that is not fit to exist in this world. Some people might possibly say that we should indeed let the masses have contact with certain opposite matters in order to strengthen their immunity to such matters, but everything must be selected by us, and at the same time we will still have to arrest those who express those opposing views. However, if they select such teaching material on things not to do or to follow in order to raise the power of discernment among the masses, and in advance stamp the material "to be criticized and rebutted," then their praiseworthy intentions are almost impossible to achieve. Reading a man's writing for the sole purpose of refuting his views cannot be of the slightest benefit. It would be like attending an intricate counter-espionage film and telling the audience in advance who the spy is. This would not help the audience improve their reasoning power, and the result would be even worse if at the same time we arrested the author of the opposing viewpoint. It would not inspire the people to distinguish between correct and incorrect ideas, but would actually warn people what to think and what to say, what thought is not permitted and what statement is not per-

mitted. This is not part of any emancipation of the mind, but rather the establishment of forbidden zones. It is not increasing knowledge but suppressing reason. Instituting a policy of isolation will therefore not only of necessity suppress the truth, but will furthermore of necessity bring about a decline in the intelligence of the broad masses of the people.

Actually, there are some people who favor a kind of "well-intentioned" policy of keeping the people in ignorance, based on what they claim to be a desire to do what is best for the people. These men would work with all their strength to keep the people ignorant by controlling their thoughts. In order to maintain the purity of the people's thoughts, they would rather have the people remain simple-minded. As a consequence the society would become stagnant and have a dull rigidity, or at least make extremely slow progress. This kind of impoverished, drab, static form of society is in some people's minds perhaps the "ideal state." However, the people in general would not like this society, and furthermore it would be certainly and mercilessly eliminated in today's world with its high-speed changes and rapid developments.

Finally, let us examine again whether punishment of speech as a crime would deter potential criminals. If this were truly the motivation, it would amount to tacitly approving the following points: 1) Those in power are considered the only sanctified ones who may regard anyone criticizing them as a "criminal." 2) The policies pursued by those in power are not only regarded as definitely correct, in fact the only correct ones, but it can be assumed that everyone else, quite spontaneously, has unswerving faith in this correctness; in other words, the view of those in power are innate heaven-endowed views. Anyone, therefore, who reflects on or doubts such dogma, or subjects it to further exploration and discussion, coming out with a different or opposite opinion, is of necessity a person who nurses evil intentions, harbors dark designs and shows no repentance. There is therefore no choice but to impose stiff sentences on such people, thus terrorizing and threatening them. 3) Those in power recognize that a considerable number of people oppose them, or at least they be-

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## During the Cultural Revolution, the overwhelming majority of injustices resulted from the prosecution of the 'crime' of speech.

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lieve that if opposing views were freely expressed it is quite likely that this would bring about a considerable opposition. It is therefore necessary to have the potential enemies feel the terror, thus following the principle of "killing one to warn a hundred."

4) Those in power have no self-confidence that they could successfully win over the minds of the people if a discussion were held with those holding opposing views. For that reason they adopt methods which do not promote reason but block it. The main point here is that their terror is brought to bear on speech and thought as targets, so that there is absolutely no possibility for them to prove that they themselves are correct. If anyone in power suppresses an action, how can it be determined whether the suppression is justified? Perhaps by judging from the number of pros and cons. But if that which is suppressed is not an action, but a certain viewpoint, there is no way to prove its correctness. All dissenters are regarded as potential criminals or accomplices; they are truly seen as "the monkeys who are being frightened by



having to witness the killing of chickens.” Only those who agree can freely express their views. Under these preconditions, deliberate misrepresentation, “calling a stag a horse,” is the easiest thing to do. It is true that this kind of terror can sometimes indeed consolidate the position of those in power, but this is achieved not by broadening the trust and loyal devotion of the broad masses, but on the contrary, by increasing their estrangement from the people and the hostility of the people toward themselves. This policy may perhaps be necessary for those regimes that are determined to remain the enemies of the people, even though its effect is like “drinking poison to quench a thirst.” However, for a regime that sincerely and truly has the interests of the people at heart, these methods are extremely harmful, even though at certain times they may after all seem acceptable as emergency measures to “cut a tangled skein of hemp with a sharp knife.”

In sum, we see that punishing speech as a crime is quite different from punishing a criminal act, and that it has no theoretical basis whatsoever.

### Free Speech: The Pros and Cons

In the following sections, we venture to list for comparison the advantages and disadvantages of free speech.

*Freedom of speech facilitates perception of truth.* Freedom of speech helps us see the truth. The implication is twofold: (1) Where freedom of speech is guaranteed, truth is less likely to be buried in its cradle just because a large number of people refuse to accept it. (2) Where free expression is allowed, people are more ready to put their thinking caps on and quicker to express themselves, thus making it easier to discover new truths.

Before it is recognized as such by the public, truth is usually recognized only by a few. The development of truth is nothing like the growth of a bamboo tree, with each new section sprouting from the old. It is quite like the growth of a shrub, where a branch may shoot from the side or a new stem may spring up from the ground. For this reason, anyone knowledgeable of many proven truths has no right to say with authority that all new truths are simple extensions of known truths. Nor can he take upon himself to pass judgment on truths. Therefore, if we are to suppress the opinions which we consider wrong, we may in fact be suppressing newly discovered truths.

Some people say that real gold defies fire and real truth defies suppression. This is not necessarily correct. We must know that truth, like fire, can be snuffed out. The only difference is that truth can be rekindled. There have been tragic precedents in human history in which truth was suppressed to the detriment of progress in human civilization. We should not, whatever the reason, argue that truth shall always triumph over persecution, that any persecution of “unpopular ideas” is harmless, that persecution is but a screening process, and that censorship of what we sometimes consider to be reactionary views can only serve to weed out poisonous weeds destined for extinction, leaving the truly vibrant truth either unaffected or, better still, shinier than ever. Such an argument is sheer sophistry and a homage to tyranny. It is true that human progress cannot be stopped. Our concern is not only with human progress itself but also with the speed with which it proceeds. We must firmly object to anything that may retard the speed of progress.

Unless there are reassurances that no punitive action will be taken even against truly reactionary utterances, it is unlikely that new truths can be brought to light unhindered. If we were to encourage free speech on the one hand, and to impose severe penalties on “malicious libel” on the other hand, we would be like a car driver who steps on the accelerator with one foot and on the

brake with the other foot. Lu Wensu of the Han Dynasty wisely said: “If we take care not to destroy the eggs of any bird, we can expect to see a flock of phoenixes some day. If we take care not to kill anyone for libel, we can expect to receive a steady flow of good advice some day.” In saying these words, he showed a good command of dialectical logic. Those who insist on putting a limit on free expression, no matter how good their intentions may be and no matter how reasonably the limit is set, will do nothing but suppress free expression, stifle truth, strangle the spirit of reasonableness, and obstruct progress.

The exercise of both mental and physical faculties is a matter of habit. It requires persistent encouragement and urging. If one runs the risk of being punished for what he says, he will seek refuge not in exercising his mental faculties at all. Any punitive action against free expression is a punitive action against the reasoning and thinking processes. It will stunt the development of human intelligence. The best that such punitive action can do is to create a nation of mostly good citizens with limited intelligence, poor reasoning power, and little creativity. Such good citizens will not achieve modernization in a million years. Sooner or later they will sink into a status unworthy of fellow earthlings. Let us assume that there were two human societies. In one society, the people could not bear to be uncreative and could not bear to be the last to discover new truths. In the other society, the people were completely different. They were afraid to disagree with others and afraid to be criticized and persecuted for their advanced ideas. In the first society, even the most timid person would not hesitate to put forth his new ideas in total honesty. In the second society, even the most courageous person would think twice before he would express his safest thoughts. Guess in which society a hundred flowers would blossom and in which a hundred flowers would wither? Guess which one would be a lively society and which one would be a lifeless society? Guess in which society the people would grow smarter and smarter and in which one the people would become more and more uncaring? Isn't the answer obvious?

Practical experiences have proved that any nation that penalizes free speech will suffer regression and degeneration to a degree corresponding to the severity of the threatened punishment. Most of the new breakthroughs in human intelligence made in recent years, ranging from new scientific theories to new fashion styles, were made possible in nations in which free expression is allowed. Should not this fact give us food for thought? In stating this fact we might get criticized for beautifying capitalism. The fact re-

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The more freely we exchange  
ideas, the wiser our actions will  
be.

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mains that just because we are fully aware of the superiority of socialism over capitalism, we are still all the more sensitive to the unmistakable impact of a political democracy providing for freedom of speech. Presently we have a scale which puts the capitalist mode of production plus freedom of speech on one side and the socialist mode of production plus freedom of speech on the other side. For the moment, the scale seems to tip in favor of capitalism in terms of economic, scientific and cultural achievements. How can we explain this phenomenon? Those who do not believe in freedom of speech have no choice but to blame the socialist mode of production as being no match for the capitalist mode. They will say that the lack of freedom of speech will not change the outcome. Those who believe in freedom of speech will blame the poor socialist performance on the lack of free expression. In this



context, the opponents of freedom of speech are the true worshippers of the capitalist mode of production. In our opinion, the socialist mode of production is a superior system but unfortunately its superiority has failed to materialize simply because for so long we have neglected political democracy and suppressed freedom of speech. That is why we have fallen behind capitalism in our achievements. Thus it is not logical to equate our commitment to free speech with worship of capitalism.

*Freedom of speech facilitates development of truth.* Free speech helps truth gather strength in its struggle against falsehood. It is an accepted fact that even an idea that is basically wrong contains a grain or two of truth. Or at the least a wrong idea can arouse interest for further exploration. It is often hard for us to understand or to predict how one idea can influence another diametrically different idea. "An Essay on the Principle of Population" by Thomas Malthus probably was not a scientifically sound theory, yet it provided an inspiration for Charles Darwin in his formation of the theory of evolution and natural selection. There is a Chinese saying: "If we throw away a piece of brick, we may get a piece of jade in return." Similarly, truth can arise from untruth, just as materialism rose from idealism and revolutionary theories rose from reactionary ideas. Proofs of this fact can be readily found in the history of philosophy and the history of sciences and it is a generally accepted fact. However, certain comrades are applying a strange logic. To them, all the mutual nurturing and mutual enrichment between opposing ideologies took place before the rise of Marxism. (Marxism itself is a product of a process of critically distilling capitalist theories of the West.) Then, as soon as Marxism was born in 1847, all the bourgeoisie of the world at once turned into fools and were no longer able to pro-

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Freedom of speech is an indispensable regulator by which mistakes are rectified; it provides latitude for further improvements and development.

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duce a single worthwhile idea. The tendency to regard Marxism as a bible that has an answer for every conceivable human problem smacks of religious fanaticism. As a matter of fact, all our revolutionary teachers have advised us to learn from the bourgeoisie and from the capitalists. Obviously much that they have to offer is not worth learning; but some things are of value, and among these is the freedom to study and to review critically what is supposedly wrong. Lack of freedom of speech deprives us of the advantage of learning from mistakes. Over the years, we have secluded ourselves from outside influences as if we had the exclusive right to truth. As a result, we did many foolish things and took many wrong paths which we could have avoided. Isn't this enough to teach us a bitter lesson? The greatest irony is that as a nation following Marxism as the basic principle in our national conduct, we have even fallen behind many other nations in research on Marxism. How can we explain this? (1) The lack of freedom of speech stifles normal expressions of non-Marxist ideas, thus depriving Marxism the opportunity to enrich and invigorate itself and to draw nourishment from the stimulation of different ideologies. (2) The lack of freedom of speech leads to summary dismissal of all new interpretations of, and all fresh insights into, Marxism (not to mention revisionism) and reappraisals of certain Marxist views, burying them under an avalanche of ignorance. This situation

gives rise to a confusion about right and wrong and erodes public confidence in free expression, thus denying Marxism the renewal process vital to its viability.

*Freedom of speech helps people develop into true Marxists.* If we expect people to develop into true Marxists, we need to give them the latitude to criticize even the truths which we regard as indisputable.

The nature of human knowledge being what it is, there is no such thing as a self-evident truth. If one is to say that he believes a certain theory is true even before he has a chance to study it closely, he is only deceiving himself. One normally goes through a period of skepticism, comparison and research before one accepts something as true. Comrade Mao Zedong in his early life took a fancy to anarchism. Lu Xun also expressed approval of Friedrich Nietzsche. This fact raised few eyebrows. Today, how can we expect everyone to accept Marxism outright, with no questions asked? How can we determine that those who have doubts, uncertainties, or even objections to Marxism, especially the young people, are not simply going through a necessary passing phase on their way to full acceptance of Marxism? How can we summarily dismiss them as the worst of criminals, the most reactionary people deserving punishment of various kinds including the death penalty?

Knowledge cannot be inherited. Beliefs cannot be inherited. Granted that the knowledge acquired through practical experiences accumulated over long years and the beliefs formed form a comparison of positive and negative factors by one generation are perfectly suited to the next generation. But before the next generation accepts this knowledge and beliefs, they are entitled to the same exploratory experience which the preceding generation had. With the guidance of the experiences of the preceding generation, they may need a shorter exploration to reach the same conclusion but they cannot be denied such exploration altogether. To take punitive action against free speech means that one person can force his beliefs on someone else and that one person can force his posterity to accept unquestioningly a presupposed truth. It is in violation of the objective law of knowing and it is likely to provoke a revolt in defense of the dignity of reason.

The folk play "Liu Qiao-erh" carried precisely such a message. Liu Qiao-erh revolted against the marriage arranged by her father not because the man her father chose for her, namely Zhu-erh, was not the right man. Toward the end of the play Liu Qiao-erh chose, of her own will, none other than the man her father had originally chosen for her, Zhu-erh, as her lover. Liu Qiao-erh's rebellion was directed against her father's meddling, even though her father had the best of intentions and chose the right man for her. The institution of arranged marriages was at fault. By pledging Qiao-erh to a man he chose, her father showed disrespect to her free will, not the other way around. In the age when arranged marriages were a custom, only the weak, the meek and the useless people would accept their fate uncomplainingly. What is true with the acceptance of arranged marriages is also true with the acceptance of truth. If we are to force others to accept our versions of truth or to accept unconditionally the beliefs that we hold to be true, we are likely to provoke a revolt in the name of reason, to erode public confidence in truth, and to turn truth against us. The human mind follows a certain objective law in its thinking process. Our disregard of this law, regardless of how sincere our intentions may be, will meet with the reprimand of history.

We must uphold freedom of speech if we expect true Marxists to come to the fore. Unless people hear all sides of an argument, they are unlikely to develop any conviction as to what is true. Unless they are allowed to debate erroneous ideas and win on the merit of evidence alone, they are unlikely to develop any appreci-

ation of what is right. If we should deny our opponents the right to speak and accuse them of being in the wrong, we could not possibly avoid the trap of dogmatism, simple-mindedness, and rudeness. In so doing we would be doing a disservice to the discovery of truth, defeating the purpose of criticizing erroneous ideas, and, more importantly, thoroughly discouraging the exercise of man's mental faculties and demanding man's lofty pursuit of truth. Perhaps it is not a disaster to miss out on one truth or two. The truly terrible disaster is the loss of the ability to search for truth.

This is not an exaggeration. As a matter of fact, we already have too many people around who need other people to put ideas into their empty heads. They are used to hearing "one voice" and will be completely confused if faced with a choice of different opinions. Unless they hear an authoritative voice declaring this and that as truth, they will not bother to use their heads and find out for themselves. They are not interested in finding out why their superiors want them to accept a certain view or to use a certain approach or whether that particular view or approach is right or wrong. They are happy as long as there is one answer and they are disconcerted by any dispute between opposing viewpoints. As soon as a dispute arises, they will exclaim in consternation: "We are getting confused," as if getting them confused constitutes a crime of the worst kind. Last year the *Historical Research* published in the same issue two academic papers with opposing viewpoints. Some readers were ill at ease and demanded, in their protest letters to the editor, a ruling on which viewpoint is right.

The famous English poet John Milton put it well when he said: "In the Bible, truth is likened to a bubbling spring. If its water were stopped in its constant flow, it would degenerate into a tame and stagnant swamp. A man can still be a heretic even on the side of truth as long as his beliefs are based on what his preacher has said or what the parliament has decided but nothing else. Then even if his beliefs happen to be true, the truth itself in which he believes will be nothing but heresy." The Chinese poet Zhu Zi also wrote: "If you ask a brook why its water is so clear, you will receive the answer that it is because there is fresh water coming from upstream." The tree of truth must have its roots deep in the soil of reality to maintain its vitality. The human society is an ever-growing organism. We cannot put a straitjacket on it to stunt its natural growth. An unbridled mind and free speech are

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## Words are not like bullets. Only if people find them reasonable will ideas have any effect.

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the minimum requirements to guarantee the free flow of truth that correctly reflects the objective laws of social development. Some people may say that it is not necessary for the masses to understand truth. All they need is faith. To keep their faith pure, we simply tell them certain principles that are indisputable truth. To keep their faith strong, we simply keep them away from objectionable views. This kind of attitude is wrong on three counts: (1) It serves to encourage the intellectually backward masses in trying to understand truth and to discourage and penalize the intellectually advanced masses in trying to explore truth. It will not result in moving the backward masses forward into the advanced ranks but rather in moving the advanced masses backward into the backward ranks. It does not encourage people to achieve intellectual maturity step by step. Rather it blocks all avenues by which people can reach intellectual maturity. (2) It implies that there are two groups of people, with one group dispensing the truth and with the other group merely swallowing it with open mouths. It

creates the dubious impression that the majority of the people lack the ability to learn and they must place their blind trust in a small group of people who are supposedly infallible. It implies that one group are always the infants. (3) It presupposes that access to opposite viewpoints will only shake one's faith in the correct doctrines and that reactionary ideas are more powerful than correct thoughts. It also presupposes that if one is to keep one's faith pure, one needs to be ignorant; to keep one's faith whole, one needs to be foolish; and to keep one's faith firm, one needs to be mentally retarded. This logic is totally foreign to Marxist logic. It is meant to fool the people.

Why did the young people at the Ningxia University of Self-Education in Communism meet their cruel fate? It was precisely because their endeavor to research the theory of communism was regarded by the "cardinal" at the university as a crime of the worst kind. Isn't communism truth enough? One needs only to believe in it. Why bother to research it? Anyone who wishes to research it must have an ax to grind! This is the logic of certain people.

It is true that there are people in this world who are too lazy to do any thinking on their own and are glad to leave to others the choice of what they should believe. These people are stereotypes like Xie Huimin. If they were born in China, they would embrace Mao Zedong Thought. If they were born in Russia, they would uphold Brezhnev's doctrines. If they were born in India, they would be Buddhists. If they were born in Libya, they would be Muslims. Even if they are not totally useless, they are certainly not the best of the human race. Even if they have not knowingly done anything bad, at least they do not have the self-motivation to do good. Even if they are above reproach, at least they do not deserve commendation. If you make comfortable beds for them according to their size, they will give no further thought to reason or truth. What will happen is this: Those who have empty heads will have their heads securely resting on their shoulders while those who have good heads stand the risk of losing theirs. Ruthless purification campaigns will go on forever, and at the expense of progress in civilization.

Truth is invincible. Its hallmark is its ability to triumph in its struggle against untruth and win public acceptance. The proponents of free speech are optimists who have infinite trust in the power of truth. It is a trust shared by democrats at home and abroad, living or dead. Mo Zi once said: "When light comes, shadow disappears." Thomas Jefferson said: "Truth is great. If left unhampered, it will spread. . . . When truth is left free to oppose falsehood, falsehood will no longer pose any threat." [The notion that the publication of erroneous ideas and information] would cast a strong spell on the public and would present obstacles "which would be difficult, if not impossible" for good publications to overcome drew a sarcastic comment from Marx. It creates the impression that good publications are powerless and bad publications are all powerful. If good publications are one and the same as powerless publications, does it mean that what is good is powerless and what is powerless is good? This brings to mind the well-known maxim of Marx: "Any well-documented theory is convincing."

Our conclusion is clear: True Marxists will not come to the fore unless we allow free expression and criticism of Marxist truth.

*Free speech and national unity.* Freedom of speech will strengthen national unity. Lack of it will weaken national unity. Marx pointed out a long time ago: "Any law that concerns itself with trends [of thought] negates the concept that all are equal before the law. It is not a law that unites people. It is a law that weakens unity." At first glance, these words seem to clash with the views of certain comrades. Isn't punitive action against heresy

and unorthodoxy meant to strengthen unity? Quite a few comrades have always held the opinion that national unity depends upon uniformity in beliefs. Such an opinion is incorrect.

First of all, it is not realistic. Marxists were, and still are, a minority in the Chinese population. While now the socialist outlook is accepted by the majority, there are still exceptions. If we are to differentiate citizens and enemies on the basis of their political beliefs, we will be reducing our base of popular support. It would be like draining a whole pond to catch fish. If we were to consider the nonbelievers as the arch criminals, we would have to accept purification campaigns as necessary. When people were fighting their factional wars during the Cultural Revolution, they were dominated by the erroneous notion that there is no way that people holding different opinions could live together in peace. History has provided ample evidence that lack of legal guarantees for peaceful coexistence of political foes will create a national rift and lead to civil war. In this context, the factional wars during the Cultural Revolution bore a resemblance to the religious wars during the medieval times in the sense that the very effort to achieve stability precipitated turmoil and civil war and the very effort to achieve unity created disunity and dispute. In the end, the religious wars failed to make people more devout. On the contrary, they made people skeptical, tired and disinterested in any religious creed. This outcome was obviously unforeseen by those who had started the religious wars in the first place.

Unity, by its very definition, means unity of people with different views. Uniformity, in its broadest sense, does not imply enforced unanimity of beliefs. It merely requires obedience to the same game laws of nature. We must realize that a law-abiding dissenter can also make a positive contribution to our society. Even if he exerts some negative influence, it will do more harm than good to try to stamp out that influence by force. Francis Bacon put it well: "Sometimes the cure proves worse than the disease." A host of facts have proved that that suppression of free speech does nothing to change the opinions of the dissenters and is no help in our effort to win over the middle-of-the-roaders. If it does anything at all, it creates dispute within our own camp, thus leading to rift and suspicion, certainly not unity or uniformity, among our own ranks. Worse still, the suppressors of free speech, in order to silence the dissenters within our own camp, constantly have to reach farther and farther in their suppression, thus leading to an escalation of abuses and initiating a never-ending vicious circle. What started as a limited suppression of disagreeable beliefs tends to develop into an extensive suppression of different ways of doing things. It can cause far more disunity and damage than the criticism of a few political dissenters.

Human society has always been complex, and is more so today than ever. Any step to stamp out with force what we find disagreeable is another step deeper into the quagmire. Therefore it is very clear that freedom of speech actually strengthens national unity and that the lack of it weakens unity and uniformity of beliefs. Dialectics do not lie.

*Freedom of speech and political power.* Freedom of speech also helps us consolidate our political power. Comrade Mao Zedong once said: We are not afraid of overt reactionaries. We fear only covert reactionaries. He did not mean that we enjoy having reactionaries around us. The fact remains that there are always political parties beside our own and there are always factions within our own party. By the same token, there are always reactionaries around. Their existence is an undeniable fact. Thus it is far better to bring them out into the open than push them underground.

There are two advantages in bringing them into the open. (1) We can criticize them in a direct way. (2) We can learn from

their criticism how to minimize our mistakes. All this will help us consolidate our political power. The first advantage is quite obvious. We touched upon it earlier in this article and we need not dwell upon it any longer. Our main concern here is the second advantage.

What will the dissenters do to oppose us? Apart from presenting a political platform different from ours, they will certainly pick on our shortcomings and mistakes and make a big fuss over them in order to win people over to their side. They will certainly try to maximize whatever dissatisfaction they discover among certain people against some of our policies. Such action is actually to our advantage. The enemy always tries to attack us where we are soft, thus alerting us to our soft spots and alerting us to take corrective action. A smart man usually learns more from his foe than his friend. If we are to take punitive action against dissenters even when they harbor nothing but ulterior motives, we will create unnecessary suspicion and fear in certain quarters of the public and lose the benefit of teaching by negative examples. In this way we will be more prone to make mistakes.

History provides evidence that without exception any suppression of hostile criticism will inevitably lead to blunders. Lenin, a great man, adhered to the correct course of tolerating dissenters and pursuing a brilliant program at the same time. Most of the proletarian leaders who succeeded Lenin deviated from this Leninist principle to varying degrees and therefore made mistakes of varying seriousness. This fact should give us food for thought.

Any administration that is committed to reform must make it a point to permit free expression to the fullest extent. Regretfully, this is something most regimes forget to do. An administration needs latitude to be able to carry out necessary reforms, but it often finds any form of criticism and opposition to be the gravest threat to its authority and takes repressive steps against it, not knowing that such action is extremely harmful. The downfall of Iran's Shah Pahlevi is the most recent case in point. Pahlevi antagonized both the conservative forces by pushing an economic modernization program and also the intellectuals and youth who were exposed to new ideas, by imposing a traditional, undemocratic rule. His mistrust of freedom of speech gave him the following disadvantages: (1) He had no way of knowing whether the policies he had formulated were feasible and what his safety margin was in implementing those policies. (2) He failed to arouse the enthusiasm of people who agreed with him in his reforms. (3) His lack of access to the grassroots reaction made it impossible for him effectively to stop corruption and negligence at the various levels of bureaucracy. In the end, he found himself between the devil and the deep blue sea and was doomed to total failure.

There was an ancient saying: "It is more dangerous to try to seal the mouth of people than to seal the mouth of a river. When a river is denied an outlet for its water flow, it will overflow its banks and cause many casualties. People are like rivers. That is why it is necessary to let rivers flow freely and let people speak freely." Indeed, freedom of speech provides a vent for pent-up emotions and a relief for the buildup of tension. People, especially the Chinese people, are not born troublemakers. They turn into troublemakers only if their grievances go unheeded and their demands unmet, and only when they are denied an opportunity to air their views and to protect their fundamental rights by normal means. Permission for the people to air their views freely is good indicator that the government is willing to face problems squarely and is prepared to resolve problems through due process. This will help the government to relieve entirely, or at least to a large extent, the dissatisfaction felt by the people toward the government, to win their confidence, thereby deflating any tension before it forms and preventing a buildup of unrest. A nation needs a sensible and reasonable population to achieve political stability and

progress. In order for its population to develop good sense and reasonableness, a nation needs a political climate in which people can reason things out. We must not have the notion that freedom of speech threatens law and order. On the contrary, respect for freedom of speech breeds respect for law and order. As a matter of fact, law and order is a prerequisite to freedom of speech. Then, if freedom of speech constitutes no threat to law and order, how can we curtail or suppress freedom of speech in the name of law and order? It is true that freedom of speech may encourage some people who are dissatisfied with current social conditions to make stronger demands for reforms (some demands may be revolutionary and appropriate and others may be reactionary and ill-founded), but, where conditions of democracy such as freedom of speech prevail, we can expect the majority of the dissatisfied people gladly to press for reforms within the limits of law and order. Even when their demands are rejected by society, they will continue to exercise their freedom of speech to argue their points, attributing the rejection of their demands to a lack of understanding by society, rather than to seek to overthrow law and order by force. Otherwise, suppression of freedom of speech will convince the dissatisfied elements of society that unless they destroy the present social order their demands will never be met. Such suppression will indeed sow the seeds of unrest and lead to a truly dangerous situation.

It must be conceded, of course, that punishment of free speech can serve a positive purpose if the consolidation of political power is an end in itself. The principle of "divide and rule" is as much an effective political strategy as it is a military strategy. Obviously, if the people in power are to choose between two evils, they will choose overt reactionaries instead of covert reactionaries. A still better choice, if possible, is to prevent reactionaries of any kind from emerging as a political force. There is no denying that before the people sharing the same political philosophy can form a political force, they must communicate with each other—basically by the spoken or written word. There is no denying that freedom of speech, while it does not necessarily stimulate growth in the

they were suffering through the decade of tyranny under the "gang of four." As we look back, can we deny that punitive action against free expression was once accepted and supported by a large number of people? Can we deny that such punitive action was motivated by the very desire to consolidate further dictatorship of the proletariat? There is a sound moral in this. For one thing, it teaches us that we cannot go overboard and try to consolidate our political power. Even the most popular government cannot afford to do that. This is because when the consolidation process is carried to extremes, a political power will inevitably turn into an absolute power and any absolute power has a way of corrupting and degenerating and turning into a bloody tyranny in dire conflict with the interests of the common people.

Let us pursue this moral a little further. We must realize that the consolidation of political power is not an end in itself, just as revolution is not an end in itself. If we are to consolidate political power at the expense of the freedom and well-being of the people, how can we justify our action? Suppression of free expression, as mentioned earlier, at the least, will retard political progress. Therefore, we have no right to punish free speech in the name of consolidating political power.

The only justification for the existence of a government lies in its conformity to the aspirations of the people. The least a government must do is to leave the governed free to express their true feelings toward their government. In other words, a government can under no circumstances forbid free expressions of opposition. A government which has a right to suppress opposition can count on the permanent support of the "people" if it regards all dissenters as "non-people." Imagine: If a government pledges its allegiance to its people and yet it also has the right to call its supporters the "people" and its detractors "non-people," isn't it a logic of sheer self-contradiction? If this logic were allowed to stand, there would be no government in the world not enjoying the wholehearted support of its people! . . .

If this logic were allowed to stand, people would be given only one choice—to support this regime, never to oppose it. Indeed, the people had wholeheartedly supported it in the beginning. In fact, it was due to such support that this regime achieved its initial limited authority. However, as each individual began to look upon it as a personification of the people and to look upon the will of the power holders as the beatification of the collective will of the people, he felt that he should not voice opinions which differed from the "People's." As a result, he would still show support even though he might feel differently, not knowing that by doing so he was not fulfilling his obligations as a citizen. Quite a few comrades are like that. In public they always agree with the leaders while in private, or deep in their hearts, they feel a strong disagreement. One may wonder why these comrades do not feel uncomfortable with their split personality. The reason is that they believe their private thoughts represent only their immature, personal views and habitually accept the leaders' views as the "consensus" of the majority. Therefore, they believe that voicing support for the leaders on formal occasions is the "right thing" to do and they are not prepared to bare their souls unless in private. They even believe that giving up their private thoughts is like giving up money—an act to be proud of, not to be ashamed of, an act of self-sacrifice for the good of the nation. They are unaware that without each individual frankly putting forward his views, a consensus is impossible.

It is like without the parts, there is no sum. When a citizen does not fulfill his obligation of making public his political views, he is not fulfilling his basic obligation as a citizen or exercising his basic right as a citizen. If we were to refrain from presenting our viewpoint and even unhesitatingly to show our support for the oppression of dissension by a political power (they are related ac-

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## If a government may call its supporters 'people' and its detractors 'non-people,' every government in the world is democratic.

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number of dissenters, will enable the dissenters to develop spiritual rapport through communications and band together into a political force. Dissenters, by communicating with other kindred souls, may feel they are not alone in their beliefs and develop a sense of confidence and strength. On the other hand, the denial of an open forum to dissenters and the forced acceptance of an official line, while it may not win new converts to the philosophy of those in power nor cause the dissenters to desert their ranks, can indeed isolate the dissenters, sow the seeds of distrust in their ranks, and reduce them to ideological helplessness. It will create suspicion, a sense of isolation, uncertainty, and fear among the population at large. It will set the stage for a total capitulation of the people to the power holders and a dissolution of all opposition forces.

We cannot deny that suppression of freedom of speech as described above is an effective political tool. All the unpopular regimes in history owed their brief existence and exaggerated power to the use of such a political tool. The Chinese all had an intimate knowledge of the horror of such a political tool when

tions; anyone who does not believe in airing his own views will inevitably support the oppression of dissenters), we would see an alienation of the political power from the people on the one hand and a deepening of the self-inflicted terror. If we should let this situation take its own course, the political power would become a dissimulating force, the careerists would try to seize power at every opportunity, and a political power that had begun as a protector of people's interests would turn into a tool of dictators.

We must point out here that oppression of dissension is unnecessary. Normally, such oppression does not take place when a revolutionary political power is in jeopardy. On the contrary, a political power is capable of carrying out large-scale purges without fear of unrest and failure only when it is firmly established. Some people said that if Stalin had not carried out a series of "purges" in the 1930's, the Soviet regime would have collapsed. These people forgot that in Lenin's days the Soviet regime faced far greater external and internal threats in 1917-24 than in the 1930's, yet Lenin never resorted to "purges" and the Soviet regime survived just as well. How can these people justify their theory that "purges are necessary"? . . .

It must be pointed out that the right to individual expression of one's own independent view cannot be transferred. A person has the right to criticize a regime that is endorsed by others, and the regime has no right on this account to condemn him. In fact, only by assuring that when any citizen's views are in the absolute minority, he will not be condemned, can people truly speak out freely. Only when everybody can express their attitude toward the regime without misgivings can we truly see whether this regime is supported by the majority of the people. To clarify this point, we can say without the slightest bit of exaggeration that whether a regime institutes freedom of speech is a measure of whether it carries out the minimum standards of democracy, and is also the minimum criterion of whether this regime has self-confidence. Inasmuch as everyone knows that wherever there are many people, there will be left, middle, and right, a regime no matter how wise and true cannot gain the unanimous approval of all the people on all issues. Therefore, the existence of criticism of opposing views is a most natural situation. Lack of overt criticism or opposing views is a most unnatural situation. A regime that sustains attacks from all sides may not necessarily be a good regime, but when not the slightest opposing view is heard, that regime, it is feared, is worse.

Authority and autonomy are relative. Any place requiring authority must require a limitation on this authority. Any place requiring centralized and coercive authority also must require a corresponding restraint and balance. Speech is the most elementary way of expressing individual views. A regime that rejects the freedom of speech is a thoroughly absolute authority, an utterly unlimited authority. The people have no power to correct the early and not too serious errors of such an authority (unless this unlimited authority desires to correct them itself), and they have even less power to correct their spread (if they continue to spread). Such an unlimited authority eliminates all possibility of using the ordinary recourse afforded by the power of the people to regulate itself, and the people can virtually only sit and watch as it leads the country in any given direction.

History provides numerous tragic examples which demonstrate that when supporting a regime that permits no opposition, one should not forget to retain one's own right to free criticism. Unhappily, successors frequently slight the experience of predecessors, and successors frequently have a certain blindness, and an exaggeratedly self-confidence, supposing themselves to have none of the limitations of their predecessors. They frequently presume that they have discovered a new continent, with the result that they always fall into the old traps. Lenin warned us long ago:

"The proletariat does not turn into sages because it has seized power." Marx and Engels pointed out that the regime in every country has a tendency to free itself from the supervision and control of the people and to change from being a servant of the people to being a master of the people.

Unfortunately, all this has been entirely forgotten by our comrades. They always say, "We are the proletariat; we are a socialist country," as though the proletariat are sages who can make no mistakes, and as though a socialist country is something other than a country. Thus, the lessons of history frequently do not apply to us, and the principles of any "restraints on authority" or "free speech" are without any significance for us. Those cut off from history frequently suppose themselves to be above history, history will teach. On this point, who can say that history is unfair?

*Balancing the plusses and minuses.* From a summarization of the aforesaid five aspects, we can see clearly the various benefits that accrue from the institution of free speech. Another one that should be mentioned is that the principle of free speech is a prescription against the negative aspects of situations; it is nothing more than an affirmation that all views may be expressed. The same applies to the speaker not being condemned; it stipulates that the speaker not be punished, and nothing more. To permit expression of a view in no way signifies that criticism of this view will not be permitted or that those who hold reactionary concepts will not be punished [in any way for anything]. Nor does it signify that moral force or the force of public opinion cannot be used to counterattack and even less does it say that when reactionary ideas are transformed into conduct in violation of the law that we will not stop it. As Comrade Mao Zedong said: The gentleman strikes with his mouth rather than with his hands, but when a small person attacks with his hands, the father also uses his hands. Thus, with any bad action created as a result of the expression of reactionary speech, we should and we are entirely capable of effectively eliminating it using numerous other methods.

From this we have deduced the sixth aspect that no policy is completely perfect; even principle carries with it some disadvantage. But which of the maladies that a principle brings are more readily curable or more readily compensated for in some other way? Very obviously, institution of free speech has greater advan-

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Denying freedom of speech is  
like choking people; there are  
no wounds, but great suffering.

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tages than disadvantages. In fact, its only disadvantage is that it may lead to the open appearance of a reactionary trend of thought. However, we can use other methods outside the penal code effectively to eliminate this disadvantage, and to turn disadvantage into advantage, so institution of freedom of speech is extraordinarily desirable. Conversely, institution of punishments for utterances, under the best of circumstances, has only the total advantage of controlling the emergence of certain poisonous weeds while at the same time inevitably damaging fragrant flowers. This can bring about a decline in reasoning powers, and even when leaders are incomparably brilliant, the double-edged sharp sword of punishment for speaking out can certainly harm oneself more. Moreover, it always conceals the danger of being turned on oneself, and there exists the possibility that ambitious people can use it to suppress the people. These are its most obvious disadvantages,



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In those now-affluent countries in which democracy was first introduced, the level of productive forces was then low. On the other hand, many industrialized nations remain autocratic. Thus, undemocratic practices cannot be overcome simply as a result of economic growth.

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which far and away surpass any advantages it might bring. Worst of all is that once these evils appear, people will have virtually no other recourse. Not to have freedom of speech is to cut off the path of using proper progress to resort to reckless moves; violence becomes the only means of resolving contradictions. It may be seen just how harmful not having freedom of speech can be.

Perhaps this sixth comparison is most persuasive. We are not going to say extravagantly that freedom of speech is without disadvantages, nor are we rashly going to claim that punishment for speaking out is devoid of any merit. Things are not that polarized. Those who do not agree with our viewpoint may point out some disadvantages of free speech, and they may also show some merits in punishing speaking out, but that by no means is sufficient to shake our fundamental point of view. In addition, they would have to be able to do the following: (1) An all around weighing of the pros and cons, the advantages and disadvantages of the two. (2) Find an effective alternative method that also corrects abuses that may develop.

We are waiting for our opponents in the debate to come up with more reasons, but we fear they will be unable to do so.

*The important consequences.* Finally we want to emphasize further what is perhaps the most serious consequence of punishing speaking out—the powerful effect on the psychology of the people and on the temperament of the people. Marx made a vigorous criticism of the Prussian government's press censorship system. He said, "It is only publications that have been censored that 'corrupt morality.' The greatest crime—hypocrisy—is inseparable from this. From this fundamentally bad point is derived the most ugly bad point (and from this esthetic point of view it is also this way)—apathy. The government listens only to its own words, and it also knows that it listens only to its own words, but it deceives itself nevertheless, as though what it was listening to were the words of the people, and it requires the people to support this self-deception. As for the people themselves, they have either fallen into blind faith politically, or else they believe in nothing and are completely divorced from the life of the country and have become a mass of people caring only about their own personal lives." Compared with the realities of the past several years, unfortunately, these words seem to have very much been a prediction of our own situation!

China under the control of the extreme leftist ideological trend, for many years had no freedom of speech. The telling of lies was like a great pestilence. It afflicted the pure and upright minds of millions upon millions of people, so that in all overt circumstances we would never hear any heartfelt words. Telling lies did not make people feel uneasy, nor did it evoke reproach from others. People no longer felt that to tell lies was shameful, nor did they feel any longer that it was strange to tell lies. Workers no longer had a sense of pride because they too did not dare to say what they thought. Farmers were no longer sincere and honest, simple and kind, because they had become accustomed to the technique of telling lies. Heroic persons of ideas and integ-

riety who were outspoken by nature were sapped of their courage and uprightness, and from the time they first began to show intelligent awareness, children understood how to say one thing to a person's face and another thing behind his back. Not only did telling lies become a common practice, it simply became a habit or even second nature for some. People could not help wondering whether words were for the purpose of expressing ideas or whether they were for the purpose of concealing one's private thoughts. Were they for the purpose of exchanging feelings, or were they for the purpose of deceiving the other party? Were they for the purpose of expanding the spirit or were they for the purpose of distorting one's soul? Words are the most fundamental form of self-affirmation of the human spirit. If a person is unable to express his views openly his whole life long, he has not been able to be a person his whole life long. If a people is unable for a long period of time to express its own true voice, what a galling shame and humiliation this is! Such a shameful experience can leave such deep scars on the psychology of a people! Were Lu Xun to be alive today, he would certainly add telling lies to the deep-rooted bad habits of Ah Q. This alone is enough to make a remarkable "means of spiritual triumph" loses its "glory." Lack of free speech is like the air; only when it is missing will people feel the value of its existence. The damage caused by lack of free speech is also like being choked, and there are no offensive wounds to be seen. The suffering the Chinese have sustained from lack of free speech, the greatness of losses, and the depth of complications are such as are rarely seen in the world. Now we must expend extremely great energy if we are to entirely rid ourselves of this spiritual yoke. Freedom of speech is a fundamental task that we must work to realize. Only by full institution of freedom of speech can the open and honest psychology of our people be reestablished. Without a healthy spiritual condition, the four modernizations cannot be realized.

As for apathy, people have even deeper feelings. To repress speech is to repress the spirit, and a direct consequence of repression of the spirit is apathy. We are not talking here of people who are totally demoralized. We want to ask how much initiative has been shown by those who have a deep sense of pain about apathy? Tolstoy said, "Indolence in itself possesses a certain mysterious fascination, so though we at first abhor stagnation, in time we become reluctant to part with it." Such an indolent, passive atmosphere is like a large piece of cooling equipment, which wordlessly but powerfully chills people's enthusiasm and has the ability to spread like a contagious disease. There is no sense in being reticent about saying that the low efficiency of the Chinese people today is truly appalling. Unless this spirit is changed, how will it be possible to catch up with advanced countries? It must be realized that this apathy results, first of all, from repression of the spirit, and that the only hope of curing it lies in further emancipation of the mind and true institution of freedom of speech.

However, some of our comrades seem not to see things this way. On the one hand they require that the people not express any views on major national matters, but rather that they act like

chessmen and quietly submit themselves to arrangements made above. No matter how many real problems, they must bear them in silence, and they take great exception to people, and young people in particular, yearning for spiritual emancipation. On the other hand they require that in absorbing themselves in their work people will show initiative and enthusiasm. Obviously this is like wanting a horse to run but not wanting to feed it. People are an organic whole. Only when they are free to speak their minds can they feel happy. How can a spiritually oppressed person show high spirits and great energy in production or in research in technology? It must be realized that spiritual freedom can produce not only truth but also enthusiasm. Only in a place that is relatively free spiritually can people demonstrate a fairly high output of truth and can they generate enthusiasm. Only in a place that is relatively free spiritually can people demonstrate high enthusiasm and efficiency. Without great enthusiasm, one cannot complete any great achievements.

Failure to institute freedom of speech and promotion of a "good" policy of keeping the people ignorant, can win the blind faith of the people for a time, but must lead inevitably to utter lack of faith. The blind faith of ten years ago, and the "disillusionment" of today, and the general feeling of willingness to sacrifice among the people, during the early period and today's harsh tendency toward concern only with one's private life, form such sharp contrasts! Some people attribute this to "people not being the same anymore," supposing that success can be achieved through a reintensification of the control over speech and the punishment of thought of past years, failing to realize that the various current manifestations happen to be the natural outcome of those very methods in the past. Practice has shown just how lacking in daring and farsightedness a policy of control over speech can be. These politics have already actually failed and suffered the penalties they deserved. History demands that we adopt a bold unrestricted policy. Dissociation from the mainstream of advanced world civilization provides no way out.

*The social cost of repression.* During the time when Britain was at the peak of power and "the sun never set on the empire," the British said they would rather lose an India than lose a Shakespeare. We have no intention of making an all around evaluation of this statement; we are only prepared to state the following: Only when a people or a nation is able to produce numerous geniuses to add to the splendor of the human race can it be said to be glorious or great. Application of Darwin's survival of the fittest to the social realm is of course wrong, but this does not mean that fierce competition does not exist in human society. Those who lag behind must suffer defeat, and those who lag behind will be eliminated. This is an objective law. Under the despotism of mental dictatorship, the Chinese people's greatest loss was the adversity that was visited on the people who were the cream of the culture! In all the history of mankind, what people have pursued with such a mad zeal as we have the throttling of our own outstanding sons and daughters, and the killing of the fresh flowers from our own soil? Here too there was survival of the fittest, only it was going in the opposite direction, the direction

of regression. In addition, all these crimes were committed falsely in the name of the people and in the name of the revolution so they were exceptionally thorough and exceptionally heartless. In looking back at the entire process of this tragedy, we deeply feel that early acceptance by the majority of people of the erroneous principle of punishment for speaking out was a major error and brought about this chain reaction.

*How to destroy free speech.* The destruction of anything always begins around the edges. This is a law.

History has shown over and over again that suppression of speech was always directed against what most of the people at the time truly believed to be reactionary speech. Thus not only did most people not realize the illegality of this deprivation, but actively supported it, and actively participated in and brought about this deprivation. Without willing action on the part of the majority of people, such deprivation could not have been carried out in the beginning. However, as soon as people participate in this illegal deprivation, this means that the principle of free speech has been breached. Henceforth, such deprivation increases day by day. When people impose illegal punishments upon others, they place themselves in the tragic situation of losing their legal protection. The more they join in suppression of the rights of others to free speech, the more they lose their own right to speak freely; the more they lose their right of free speech, the more they are forced to join in the persecution of others who exercise this right. The consequence of this vicious circle must inevitably be like that of a screw being tightened ever tighter, and of a morass becoming deeper the farther it is entered. In the end, a few tricksters who have usurped great power will be allowed to act as unscrupulously as they will. The meetings everywhere throughout the country following Qingming [5 April] 1976 to "angrily condemn the counterrevolutionary incident at Tiananmen," was just such an indicator of the rapid sliding down a slope toward the bottom. Such self-deceptive assemblies of millions of people are possibly unique in all history! Is it possible the painful lessons of damage to the flower of our people and damage to the vitality of our nation have not been enough to make us realize the vicious quality of punishment for speaking out and to make up our minds to institute full freedom of speech?

It is like the crazy man in Lu Xun's "Diary of a Madman," who, when he senses he is about to be eaten by someone, wakes up to the reality that he has also eaten people in the past. Of the people who suffered persecution during these years because they had ideas and a mouth, are there any who did not at some time in the past persecute others who dared to speak their true beliefs? Luckily the arrogance and domineering ways of the "gang of four" accelerated the process of logically playing out the bloody principle of "punishment for speaking out," rapidly exposing its essence. Had it not, it is to be feared that some of our comrades would today still regard punishment for speaking out as a magic weapon for consolidating the dictatorship of the proletariat. As Lu Xun said: "If you will not change, it will be yourself who will suffer." This is an admonition to us provided by history!

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We believe that socialism is superior to capitalism. Those who consider socialism incompatible with democracy are the true worshipers of capitalism.

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## PART II: Dance Where the Lotus Grows

### The Inevitably Tortuous Process

Hegel put it very well: The same maxim, when it is uttered by a young person (even if his perception of this maxim happens to be entirely correct), never proffers the meaning and breadth of wisdom that it does when uttered by an adult who has gone through all of life's vicissitudes. The latter can convey the total power of the content contained in a maxim.

We should recognize that, in the beginning, people's understanding of freedom of speech was very shallow. From the point of view of many people, this principle is both abstract and hollow. Some people were fundamentally incapable of understanding what it means; a considerable number of people equated it with the offering and acceptance of admonition in feudal times. Nobody ever acknowledged that even a serious opposition should enjoy freedom of expression, and even among the few people who understood its connotation, its value was often underestimated. Today, the situation is very different. The people are mature. When people now put forward this principle, the total power of the content it embodies is fully conveyed.

From the point of view of history, in putting down its roots in other countries freedom of speech has likewise always gone through a tortuous process. The direct product of the 1649 bourgeois revolution in Britain was Cromwell's dictatorship; next was its opposite, feudal restoration; not until after the 1688 Glorious Revolution did democracy begin to stand on its feet. The United States, with the most typical bourgeois democracy, is another example of this; its constitutional amendment embodying "freedom of speech above everything else" was passed only 15 years after the victory of the revolution was achieved. The actual promotion of democratic politics did not begin under the administration of the first president, Washington, but really only under the administration of the third president, Jefferson.

Perhaps, a people can really appreciate a principle only through direct experience. This is especially so for people like us who have always regarded ourselves as the "Middle Kingdom," who are not very good at learning strong points from others, who pride themselves on being ancient and civilized, and who are reluctant to acknowledge other people's wisdom. This of course is not to say that we Chinese have not yet suffered enough hardship because of punishments meted out on the grounds of speech; exactly on the contrary, the Chinese have suffered too much hardship in this regard. Yet, people have accepted the lessons erroneously. Those endless "ideological crimes" and "literary litigations" not only have failed to prompt people to pursue freedom of speech, but instead made many people believe that freedom of speech was fundamentally impossible, that speech must be controlled, and that the whole question lay merely in who was to control it. In other words, many have believed that only autocratic methods were practicable methods of ruling, and the difference lay merely in whether bad people or good people were to exercise the autocracy.

### Remnant Feudalism

People are not likely to forget, of course, the criticize-legalism and oppose-Confucianism movement that was so boisterous for a while some years ago. That really reflected the continuation of the influence of old concepts from 3,000 years of feudal autocracy; the revolutionary cloak of setting off "class struggle" was conferred upon the inhuman Legalist thought, and the enforcement of totalitarian autocracy was taken as "consolidating the proletarian dictatorship." "Overall dictatorship in the ideological realm" was learned from Han Fei's adage: "As regards the approaches to proscribing treacheries by the people, the most superior ones proscribe their thinking, the next proscribe their words, and still next proscribe their deeds." Some even believed that this was Marxism! There was a considerable number of other people who, while in theory loathing this stuff about kingly and tyrannical ways full of murderous motives, pitifully did their best to persuade themselves that it was "necessary." Those who professed to be the newest people somehow possessed the oldest thoughts. Precisely because these thoughts were the oldest, they very easily gained the powerful support of the forces of habit; and precisely because these people appeared with the newest outlook, they could effortlessly cast aside the fine achievements of modern civilization (such as freedom of speech) like obsolete toys. In the prolonged feudal society of China, the reputation of the Legalist School fell along with the collapse of the Qin Dynasty and was never able to recover; but the Legalist ideology somehow eventually secured increasing preponderance among the Confucianists of the empire, especially with respect to theory and practice in running the state. The humanist ideology of the original Confucianists, because of a consideration of expediency with respect to politics, was regarded as a pedantic theory and, in fact, negated. This state of "Confucianism in form and Legalism in substance" which lasted 2,000 years left a very bad legacy,—in politics, those in power may say one thing and do another. This legacy has been generating interest even up to this day. The question of freedom of speech may be said to be an outstanding example. Not very many people have publicly stepped forward to oppose freedom of speech. They do not explain in detail the reasons and prescriptions as to why they must enforce the absence of such a freedom; nor have they ever done any slightly profound thinking on this question. But, from the bottom of their hearts, they have always considered that freedom of speech is something to be said in front of the stage, while behind the scenes it should be another matter. The thought process of these people has remained under the influence of the political thinking of the feudal era. It was only after the ten-year turmoil that this legacy began to be subjected to real criticism. [However,] this theory of saying one thing while meaning another has suffered the punishment of reaping its own fruit; it was a double-edged sword, which originally was thought to be used to deal with other people, but in the end turned out to wreak great harm on themselves. Only then

did people begin to sense how concrete freedom of speech was, and to sense how important it was to really establish a system of laws with binding power! In order to consolidate itself and prosper, a state depends on unswerving execution of far-sighted and forceful principles. Even conditions in the capitalist world have proven that those countries which allow freedom of speech are more stable and long-lasting than those which do not. Can we still allow a myopic policy of slow suicide, that sacrifices long-range goals for temporary expediency, to continue?

### Law and Power

In a society which, for long periods of time, has lacked the tradition of rule of law, people usually cannot see the meaning and power of the law. Some in power are reluctant to have their power constrained by law, and some people do not believe that the law can constrain power. Today, many leaders, especially those who have themselves suffered harm from unlimited power and have now once again acceded to important office, have sensed from their own personally experienced pains the necessity of constraining power by law. After they again gained control over power, they proceeded immediately to carry out the work of putting limits on power; this is truly wise. But this is but one aspect of the matter; we still have no reason to think that all leaders will from now on know how to exercise their power with caution, nor do we have reason to think that so long as those in power consciously guard against abusing power, democracy can be said to be properly protected. Hence, we must discuss another aspect of the matter, probably a more important aspect, and that is the question of whether or not the law can keep power constrained and how to go about this.

The tyrannical behavior on the part of the “gang of four” in trampling on the law at random made people deeply aware of the various defects existent in our laws, and it also made people more skeptical as to whether the law can be effective. Compared to “there being no laws to follow,” “laws not being followed” is an even more serious and more real fact. If the phenomenon of “laws not being followed” cannot be prevented effectively, then the solution of “there being no laws to follow” will be useless. Rules of the law, however perfect, are, after all, only rules; lacking coercive power, they are not worth a single penny. Hence, we must solemnly examine the function and the power of the law.

As everybody knows, might is not necessarily right. But, regretably, neither is right necessarily might. People cannot rely just on right and expect to overcome the enemy and win victory without exercising any power. Articles in the Constitution on citizens’ rights are not divine talismans; they cannot automatically play the role of protecting the people. In the final analysis, the power of these articles lies in the people’s unanimous understanding of them and firm determination to enforce them. For this reason, in order to strengthen our democracy and legal system, we must recognize the following points:

1. Democracy and rule of law can be realized.
2. Understand the definitive meaning of the principles of democracy.
3. Cultivate the habit of observing problems with a legal eye.
4. Be prepared with will and courage to defend democracy and the rule of law.

### The Secret of Today’s Autocracy

First of all, we must have confidence that democracy and the rule of law can be realized. Long periods of autocratic rule easily made some people lose faith in their own power, and this negative, pessimistic psychology in turn became a very great obstacle

in the realization of democracy. The key to eliminating this pessimism lies in pointing out the secret of autocratic rule. The most important characteristics of today’s autocracy is that, unlike ancient times, it no longer exists as a power openly hostile to the people; on the contrary, it claims the people’s will as the reason for its own existence. The secret of its rule is based on deception rather than violence. In the final analysis, its instruments of violence are a result of carrying out a deception of the people who themselves make up such instruments of violence. The autocrats of the past were somewhat different. Under the rule of the Czar, the instruments of violence used to deal with the interior depended in the first place on the palace guards made up of youngsters of the privileged class, and in the second place on the savage and cruel cossack cavalries. The instruments of violence of Napoleon II were mainly those of the vagabond proletariat. Suppressing the people with these kinds of guns precludes the need to fabricate slogans such as “defend people’s democracy.”

There are two kinds of deception. The so-called deception here has two meanings. One is to say: When the autocratic monster at first arose, it obtained the hearty support of a people who made up the majority through deception. Those who have read

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## Autocracy relies on human weaknesses; democracy, on human strengths.

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*The Rise and Fall of the Third Reich* are unlikely to doubt that Germans in the early days, especially youths and children, really fanatically supported Hitler. As we look back at the early days when Lin Biao and the “gang of four” began to make their mark, the Chinese also made a similar mistake. This handful of autocratic devils disguised themselves as “standard-bearers” who “raise their hands the highest,” and they took advantage of people’s childish, trustful, and muddle-headed enthusiasm; for a while, they were really rather powerful. From this, we should see that power is never a supernatural thing; it is not different from our own power. In modern times, most political theories acknowledge that there is only one source of power—conscious support by a considerable number of people.

If this is the case, why did this band of autocratic devils still look very powerful, even when their reactionary complexion became more and more exposed? Why, even when an overwhelming majority of the people opposed them from the bottom of their hearts, were they still unable to do anything about them? This was primarily because of the second aspect of their deception: Through the means of proscribing freedom of speech they insulated the channels for people to exchange their experiences and thereby created the false outlook that they were continuously supported by a majority of people. Perception of things always requires a process; truth at first is always in the hands of a few. When those who first became enlightened rose to oppose the autocrats, they were, because of a lack of consciousness on the part of most people, looked upon as “counterrevolutionaries.” Inasmuch as it was “legitimate” to punish people because of their utterances, the autocrats were able to strangle those who first rose to oppose them. Since the autocrats monopolized all the fronts of expression, they easily succeeded in distorting the true state of things and in pouring dirty water on the heads of the suppressed warriors.

They not only persecuted these first enlightened people, but also effectively prevented truth from being spread, and thereby greatly delayed the process through which the vast ranks of the

On the one hand, they don't understand what is bourgeois, and on the other hand they apply the term 'bourgeois' to everything they don't understand.

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people became awakened. On the basis of this same reasoning, the autocrats could also suppress the second group and the third group of the enlightened by the hand of the people themselves. With further development, more and more people, through their personal experience, gradually began to feel skeptical. But many among them were likely to hesitate, because a person (with the exception of those few who were especially firm and insightful) would be hard put before exchanging his perception with others, to have enough confidence in his own point of view. In addition, in an atmosphere of a lack of freedom of speech, this kind of exchange was impossible. This served to determine that although many people began to feel skeptical and repulsed from the bottom of their hearts, they dared not make a formal presentation of their views.

For long periods of time, the autocrats promoted their people-deceiving policy by proclaiming a theory which shook the self-confidence of every individual by abstractly affirming that "the people are holy" in entertaining words. In this way they did their best to make every individual feel that his own judgment was unreliable. In the case of others, although they had seen through them, they had also witnessed the fate of the previous group of rebels. They could not but feel inhibited. Because they could not tell the relative ratio of forces in confronting them, they naturally dared not show anything.

Apart from such skeptical people, there remained a contingent of good-natured and foolish people who continued to remain muffled. Every time a few enlightened persons stepped forward from the ranks of the deceived, a few new and even younger dunces would again join the old ranks. Apart from this, among every people there is always a bundle of muddle-headed fellows who only seek temporary ease for themselves and never care much about the fate of the state. In addition, under the premise of forcible suppression of thought and along with the spread of skepticisms, there prevailed in society also a kind of policy of adaptation, of cynicism marked by disillusionment with this world, and a sneering attitude. In the case of all the abovementioned people, while differences among them were great, and some of them even constituted a *de facto* force of sabotage against autocracy, they still behaved according to the earlier indenture they had imperceptibly contracted when they had supported the autocrats. That is to say, they still followed the orders of those autocrats as they struggled against and suppressed those who dared to step forward publicly to show their resistance. One operative principle at the time was to allow no neutrality. "If you are not standing on the side of revolution, you must be standing on the side of counterrevolution." So these autocrats were able relentlessly to force people to become accomplices to all the actions and crimes under their rule. Under such circumstances, even when the autocrats had actually lost most of their popularity, they still could successfully retain control over the situation. It was in a situation like this that the instruments of violence used by the autocrats to suppress and intimidate the people were still comprised of the people themselves.

The ultimate masterpiece of this ruling technique was demonstrated during the demonstrations and meetings that took place on the 7th and 8th of April 1976 in various places around the country. At that time, the ugly posture and fierce complexion of the "gang of four" had all been exposed; they enjoyed popularity neither with the party, nor with the army, nor with the people [who had been] on their side. Yet they still succeeded in conducting a great farce which purported to suggest that "hundreds and thousands of the soldiers and other people throughout the country condemned the counterrevolutionary April 5th Incident at Tiananmen." Was this the work of an infinitely powerful magic wand in the hands of the "gang of four"? Was that seal-handle wielded in a way equivalent to the power of tens of thousands of soldiers? No, to put it bluntly, it was entirely a kind of self-threat and self-intimidation: There could not have been a worse case of power conversion than this—a force made up of the people being turned around in opposition to suppress the people themselves. In this process of conversion, speech control was the first step and the key step. When we recognize this point, we shall also recognize the secret of present-day autocracy.

### Democracy: Instinctive in Our Era

After the smashing of the "gang of four," more and more people have come forward to broach the question of democracy and a legal system. This is highly auspicious. Democracy can reappear because most people have personally suffered from undemocratic practices. Also, the rule of law can also be realized because most people have urgently sensed its necessity. The main current of our era is still democracy. It has become even more penetrating and more widespread than it was in the past. The process of the rise and fall of contemporary autocracy has revealed a sardonic fact! When tens of thousands of people added water to lubricate

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Whether there is to be freedom of speech will depend not on rulers' wills but on public demand.

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the grinding stone of autocracy, they thought they were preparing for "genuine democracy." This fact illustrates both, that democracy is still a powerful force today which no one dares to challenge directly, and that this centipede autocracy does not topple even when dead. . . . The momentum of democracy is none other than the people's desire to master their own fate. But this desire can only increase in fortitude along with the increase in people's material wealth and the frequency of people's spiritual communication. Within a few decades the development of modern information technologies will render harmless one of the autocrats' magic wands—the insulation of ideological and cultural exchange between all of humanity. . . .

### Constitutionalism

Wherein does the role of the Constitution lie? It lies in providing a rallying point for all those who love democracy. Take freedom of speech for example. Once more people understand its precise meaning. This is the equivalent of establishing a common program for their united action. Once an encroachment on speech by those in power takes place, all those who love democracy will take the same view without prior consultation. They will adopt a common stand with respect to the matter of preventing those in

power from suppressing speech, no matter how different their opinions are as to the speech itself. If a person thinks of freedom of speech only when his own speech encounters suppression, and when some other speech, especially that to which he happens to be opposed, encounters such suppression, he refrains from making any protest or even helps aggravate the situation, then that naturally fails to serve the cause of protecting freedom of speech. The demand for freedom of speech is precisely this: Whether you agree with or oppose a certain view, you should always acknowledge that that view is entitled to the right of expression and you should always defend the people expressing that view. Apart from this, it is impossible to achieve protection of the minority and impossible to prevent those in power from suppressing truth. With his characteristic incisiveness, Voltaire wrote the following statement, which ought to cause all those who really ardently love democracy to reflect: "I disapprove of what you say, but I shall defend to the death your right to say it." Only in this way can the practice of those in power of suppressing people's speech be effectively prevented. The wonderful thing about the articles of the Constitution which prescribe citizens' rights is that they are uncorruptible, simple principles; once people understand their meaning, they can always accurately practice them. During the Cultural Revolution, the proposal was made to measure everything with Mao Zedong Thought; but that still meant everybody measured everything according to his own understanding of Mao Zedong Thought. Hence, not only was it impossible for people to have uniform understanding and action, but equally sincere people believing in Mao Zedong Thought were led inevitably to internecine struggles among themselves, and the "gang of four" and their ilk were given the opportunity to climb to high posts. There are usually more good people than bad people in the world; yet good people are often abused by bad people. The reason is precisely that good people are not good at finding a rallying point, a common point; therefore, they end up in internecine struggles against one another while bad people reap a fisherman's harvest simply by sitting around. Systems of law are designed precisely to prevent such a tragedy. Law requires people to measure everything with a legal eye; because of the clarity of the articles of law, all those sincerely upholding the law are assured of gaining a common perception and assured of adopting a fairly consistent stand on major questions, so that the differences between them can gradually be placed on a more rational basis and resolved.

Take for example the possibility of treating the Li Yizhe incident according to the spirit of the law. Why should the solution of this question be difficult? First of all, one need only to release them without any charges, according to the principle of freedom of speech. As to whether or not the big-character poster in question was anti-party or antisocialist, this may be argued. If some comrades really think that that was "counterrevolutionary speech," they should be allowed to say so, but they have no right to sentence Li Yizhe for crimes on the basis of such a view. We should know that, above all judgments, there is still a supreme authority—the law. Actually, it was those who arrested Li Yizhe who violated the law and deserve punishment by the law. This is the rule of law.

### The Necessity of Law

We should acknowledge that it is by no means an easy thing to cultivate a legal eye. This is not so much a question of changing one's viewpoint as it is one of changing one's attitude. At first glance, the law seems impartial; it seems incongruous with people's liking and disliking based on their judgment of right and wrong. Those who have a surplus of enthusiasm but a deficiency in com-

posure and who lack experience and foresight may very easily take the law as the refuge of bad people, a false area of neutrality, and an obstacle fettering people. To them, it is at least an inspection line in which people definitely need not abide like pedantic scholars.

Take freedom of speech for example. As these people see it, it is utterly preposterous not only for revolutionary speech to be permitted, but counterrevolutionary speech to be allowed as well! Of course, they may also say that, in the case of those who express reactionary views, there is indeed no need to arrest them as a matter of necessity, but if they are arrested, what can be so serious about that? This would be their thinking. The preference of civil struggle over military struggle was perhaps easier to understand than freedom of speech; but during the Cultural Revolution, it was never strictly implemented. In those days when "one sentence is equivalent to ten thousand sentences," somehow even half of this sentence showed no effect. Is this not rather strange? The reason is that, at that time, many people were of the opinion: What's wrong about cracking down on bad people? Even if this did not tally with established policy, at least there would be no great deviation in direction. On the contrary, in criticizing us for cracking down on bad people, you are the ones who are pretentious and probably reactionary underneath.

Under such a trend of thinking, old tricksters (such as Lin Biao and the "gang of four") deliberately added oil to fire. Opportunists made a point to exaggerate things, and weak-hearted persons chose to turn "left" rather than right. Thus, the practice of military struggle became more and more fanatical and eventually went beyond control. In contrast, the principle of freedom of speech sounded more complicated to begin with, now naturally it could hardly be carried out. In addition certain immature people never knew what freedom of speech was, to say nothing of those paradoxically informed people who always stubbornly held that reac-

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## Far from threatening order, freedom of speech breeds respect for law.

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tionary speech could not have been included. Even among those people who did understand the meaning of the principle of freedom of speech, how many could have maintained that it must be strictly enforced without any exception? All of this cannot be necessarily attributed to the possibility that people purposely ignored the law; in reality, their lack of understanding of the important meaning of the law was also a very important cause. The reason why people did not insist on having freedom of speech enforced without any exception was because they did not sense its total meaning.

By taking advantage of such immaturity on the part of most people, the "gang of four" turned themselves into unlimited rulers by trampling on the law and committing heartless crimes. In doing so, they provided a great deal of negative experience for the people. This has today given the Chinese people the best opportunity to recognize the value of the law. Indeed, a people can learn a lesson only by way of direct, painful experience. But, if we think relying on a painful experience alone will necessarily guarantee that everybody is bound to absorb some instructive benefit, I am afraid that we would be misguided. If relying on the experience of having suffered through plenty of calamities and difficulties served to assure a people's wisdom and maturity, then we Chinese people would rank foremost in the world. Here is still another important premise. We must be good at summing up these historical lessons and give them a profound analysis and

theoretical generalization, and also persist in spreading such lessons.

## Past Failures

Beginning with Kang Youwei and Liang Qichao [2733 0796 6839], not a single advanced Chinese failed to consider democracy in endeavoring to make the motherland strong and prosperous. Of the revolutionary struggles during the past one hundred years, including those less than thorough compromises and reforms, not a single failed to contain the struggle for democracy. These struggles for democracy have won great victories and our people have gone far in enjoying democracy. Yet, the Qingming Festival of 1976 forced the Chinese people to sense clearly: We have completely lost democracy! People could only reflect with pain: Why did this happen?

Once an edifice is built, generally speaking, it should be hard to destroy it. But if the foundation was originally not very stable and solid, then it will take very little effort to destroy it, and the entire edifice will collapse. Democracy is also something like this. Insofar as democracy is concerned, freedom of speech is its very foundation stone. If most people lack understanding of the meaning and value of freedom of speech, then the whole structure of democracy is no different from an edifice built on a sandy beach.

These are the facts. When our predecessors struggled for democracy, they made a fatal mistake: They failed to let the most fundamental principle of democracy—freedom of speech—penetrate deeply into people's mentality. Since most people failed to understand the complete meaning and important role of freedom of speech, including certain very knowledgeable and talented people, this provided the autocrats with a most advantageous breach for their breakthrough. . . . There is only one source of the power in democracy; that is people's awakening. The most stern fact lies in that we have struggled for democracy for one hundred years; but even today, how many people understand the true meaning and value of freedom of speech? No wonder feudalism can be restored repeatedly! Our conclusion is: Precisely because the principle of freedom of speech happens to be most elementary, most dull, and most simplistic, we need most urgently to let it penetrate deeply into people's mentality, we need most urgently to let

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Some easily accepted that part of Marxism which negates Western culture, but do not easily understand and accept that part which is consistent with traditional Western ideas.

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people understand its entire meaning, entire basis, and entire value. . . . Please just think: If most people have really understood the principle of freedom of speech, then, no matter how inadequate their perception in other aspects might be, they will take the common constitution-defending stand of opposing the attempt of those in power to suppress speech. This should serve to impose a necessary and at the same time important limit on power, to provide a fundamental and crucial avenue for the advancement of rationality, and to confer an elementary and basic guarantee on the people's rights. With this move toward freedom of speech, the chess game of democracy can then be played in a most flexible manner, and the process of democratization becomes thus an ir-

reversible trend. Today this requires us to explain tirelessly and persistently to the people the principle of freedom of speech. . . .

## Continuing the Process

Since democracy is a process, we cannot, of course, expect it to be perfect; but, in order to prevent it from going astray, we must also grasp the most fundamental thing from the very beginning. . . . Today we must pay full attention to the study and discussion of the basic principles of democracy and the legal system, and of these the freedom of speech is again the most basic one in a series of such basic principles; therefore, it should be placed in a place of greater priority.

The American Bill of Rights which was enthusiastically praised by revolutionary teachers of the proletariat put forward a viewpoint worthy of our reference: It points out that in order to protect the blessings of democracy, it is absolutely necessary to "constantly return to the basic principles." This implies that the preservation of democracy is determined to a certain extent by people who achieve a perceptive and a consistent view of the basis for democracy's existence. So-called "constantly returning to the basic principles" means nothing other than critically understanding the meaning we have conferred on the basic principles of democracy. Precisely because of this, the future of the principle of freedom of speech really depends to a certain extent on a clarification of the accurate meaning of this term. This is basically a theoretical task, one which is perhaps more basic when compared to numerous other theoretical tasks. Before this task is accomplished, it is almost impossible for people to solve perfectly any other theoretical task. . . . History has already punished us once, because our predecessors neglected this most basic task; if we fail to absorb the pertinent lessons, fail to expound the meaning of the principle of freedom of speech in a detailed and thorough manner today, and thereby let it penetrate deeply into the minds of more people, then history is bound to punish us once more.

Perhaps, some would ridicule our discussion as empty talk. "Freedom of speech is all well and good, but what if those in power fail to implement it?" . . . We make it a special point to note: Whether or not there is freedom of speech in a country does not depend on whether those in power are willing to implement it but on whether people there insist on it. As everyone knows, in many underdeveloped countries the coup d'état has become commonplace; yet, in a country with genuine democratic traditions, the occurrence of a coup d'état can be inconceivable. This contrast effectively demonstrates that the key to the determination as to whether a country can adopt democracy does lie with the belief or qualities of those in power, but also with the degree of the people's perception of democracy. Some have been very dissatisfied with the degree of democratization in our country; others have refuted them by saying: If some others express opposition, would the situation not be even more messy? We cannot consider this refutation to be very good but, frankly speaking, it also contains a partial truth.

In other words, the various kinds of achievements we have today obtained in democratization are inseparable from the fact that the leaders are now carrying out a more correct line. If this line is changed, then, in the context of the present situation the recurrence of retrogression is by no means impossible. The present extent of the people's democratic consciousness is perhaps not yet enough to resist such retrogression (if it is imparted to those below from those above). This assumption may perhaps help us understand what an urgent task it is to further heighten people's democratic consciousness; to first of all, let more people really perceive the meaning and value of principles such as freedom of speech. This is both a fundamental measure to prevent retrogression and a necessary premise to guarantee continued advancement. I am

afraid all those who are concerned about the future of political democratization in our country need to pay attention to this point.

### **“Lawlessness” in Emerging Nations**

Almost every newly emerging nation has called itself a democracy or republic, complete with a perfect constitution. On investigation, most of these newly emerging nations may fail the test for being a democratic republic as a result of their record of implementation of their constitution. This is in striking contrast to countries with longer democratic traditions where no one, including presidents and premiers, dares openly violate the laws. Why are the provisions of law nothing more than a scrap of paper in one country but are respected as divine canons in another? The reasons deserve our thorough study.

One of the reasons is that most of these newly emerging nations have had no experience in developing democracy. They do not have any experience in developing the principle of freedom of speech. Because they simply copy the principle of freedom of speech from the book, the people mostly do not understand its true meaning and great value. This being the case, can anyone guarantee that the principle of freedom of speech will not be overlooked, distorted, and trampled under foot? When Wu Han, author of the work “Hai Rui Dismissed From Office,” was cruelly persecuted, how many people throughout China sensed this as an abridgment of the freedom of speech, a violation of the constitution, and an infringement of the right of citizens, and resolutely lodged protests against this mistake committed by a leader of a democratic republic? The majority of people did not do so. Many people never regarded this example of blatant application of power to suppress speech as being a violation of the right of citizens to free speech as provided in the constitution. Many people have insisted that this suppression of reactionary speech should not be construed as an abridgment of the freedom of speech but as the best way to protect and use the people’s true freedom of speech. Although some kindhearted people hated such cruelties, they always spared no effort to dissuade themselves from “being too naive” and reminded themselves that, in the face of cruel class struggle, how could people still think of such civil, polite terms or of such empty, silly talk as freedom of speech? Since the majority of the people took this stand, how could we have any reason to complain that the principle of freedom of speech had been rendered impotent? . . .

### **Choices**

A review of the past shows that we have made some unwise choices with regard to certain major issues. The consequence was a disaster. By disaster, I mean that as time goes on, the losses resulting from wrong choices will become greater and those structures chosen by mistake will become more deeply rooted in society than ever. In other words, erroneous choices made in the past have enlightened us to the ironic fact that the more serious the mistakes, the harder it is to correct them; the mistakes usually cannot be corrected until they reach their saturation point. History sometimes resembles a narrow alley which provides no room for maneuver. Once we carelessly commit a mistake and go astray, we are afforded almost no chance to correct it until we follow the wrong way to the end or until we can make a new choice at an intersection. For example, that catastrophe that ended three years ago was detected twenty-three years ago and should have been stopped. In the process, however, it was not averted despite the efforts of many brave people. From this experience, we can draw the two following lessons: (1) Wisdom must

must be pooled at every crossroads of choice. (2) Once a choice is made, leeway must be left for future corrections. I am afraid that history will not give us another opportunity to commit that disastrous mistake again.

In the final analysis, these two lessons still have something to do with democracy. The democratic system is a wonderful concept that has the advantage of resilience, susceptibility to changes, the capacity to meet challenges and adjust itself, and the ability to avoid the dilemma that once we take a road by mistake, we will have to run out the course in its entirety. Aware of this point, we can now see more clearly what role democracy should assume in our current choice.

### **Democracy and Modernization**

What is the relationship between democracy and modernization? At present some comrades hold, “Without democracy, modernization cannot be realized.” I am delighted to say that this judgment is correct. An initial survey of our past practice shows that this slogan did play a positive role in reminding those who desire only a good life of the need to improve democracy. But judging it from the theoretical point of view, we feel that this slogan obviously merits our scrutiny. If this point is not clarified, there may be troubles in the days ahead. As a matter of fact, we are aware that some people do not agree with the popular call for taking a step forward toward democracy. For example, they do not endorse the call for promoting freedom of speech, although they really hope that our nation will become rich and strong. This is why we consider it necessary to discuss this matter at some length.

True, under the feudal autocratic system of the “gang of four,” modernization stood absolutely no chance of realization. But we must know that the “gang of four” brand of dictatorship was the most extreme and most primitive form of tyranny, and that it proved to be inefficient. History tells us that there existed some relatively moderate but efficient forms of dictatorship, as well as similarly extremist but highly efficient forms of autocratic government. The realization of modernization under such tyrannical systems is considered to be not only possible but also more convenient and effective. As newly rising developed countries, Japan of the Meiji Restoration era and Germany under the Iron Chancellor Bismarck did not rely on a democratic system to achieve their goals. Hitler’s Third Reich undoubtedly one of the most extreme forms of dictatorship ever seen in history, quickly rose as an economic power to be reckoned with. The modern Soviet Union should in many ways be considered a qualified modern nation but by no means a democratic one, politically, despite the fact that its cultural policy toward the thinking public seems more liberalized than its Chinese counterpart under the control of the “gang of four.” However, if freedom of speech is used as a yardstick, the situation there is ominous. On the other hand, although democracy in India is superior to Nazi Germany, it never seems to have any chance of developing its economy to a degree that merits the public’s recognition. Although these examples are not universal, they really deserve our attention.

In fact, some people have consistently contended, both in public and in private, that dictatorship works better than democracy. In their view, this idea is particularly feasible in those economically backward countries desiring a fast economic takeoff—countries where an elite group of farsighted and powerful leaders can “herd sheep into ranches” with high-handed measures and can achieve greater success in this manner than any other countries full of constantly changing opinions and uncontrollable demands from people who do not know where their interests lie. This contention used to be very popular, and undoubtedly it had some-



thing to do with our national tradition of showing no regard for the program to construct democracy. Comrade students of contemporary history point out: "During the nearly century-old democratic revolution carried out by the Chinese people the voices demanding democratic freedom here were always drowned out by the voices demanding affluence and a powerful army. Although many factors were behind such voices, they met with this same fate: They brought to China neither democratic freedom nor affluence and a powerful army.

First, in China, the sweeping reform proposal which enjoyed nationwide support was inspired by the harsh but inescapable fact of steadily weakening national power. Reforms usually became irresistible when the economy under the dictatorship became a big mess. The common desire of the reformists is an affluent and strong power. Among them were people with no democratic ideals.

Second, although many knowledgeable people who saw undemocratic practices on the political front as the cause of economic weakness strongly demanded political reform, they were divided as to the strategy for carrying it out. This weak point seemed fatal. At the beginning, the reform force was so powerful that it swept away all serious obstacles that stood in its way, and its success seemingly could come at any time. But in the end the reform was shortlived, or aborted. In other words, the reform was impressive in the beginning but disappointing in the end, and it finally ran completely out of steam. This failure obviously had something to do with plans to be adopted and steps to be taken. Finally, even those reformists dedicated to democracy modified their stand by declaring that an affluent nation should come first and democracy second; the consolidation and development of democracy should come after the development of the economy. This is why democracy has suffered setbacks.

Although no one can deny that success stories of modernization without democracy are abundant in history, I want to present the following two critical views on this matter:

(1) The economic development made possible by dictatorship is a painful process because it must be accompanied by cruel persecutions of the people; it is abnormal because it is interested only in vainglory at the expense of real prosperity; it tends to be short-lived because it gives no incentive to the spirit of human initiative. A lack of effective self-adjustment will lead to the steady strengthening of that increasingly outlandish machinery of dictatorship. At the height of this development, a military power will emerge to

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## In time, modern information technology will break down the barriers of ideological and cultural exchange.

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disrupt the development of the people's spiritual and material life. As the time goes on, it becomes stagnant and decadent. In order to survive, it might risk embarking on a foreign adventure or try to reluctantly maintain the status quo as an outwardly strong but inwardly weak power. Ultimately, it cannot escape the fate of self-destruction. In the end, all nations in history which counted on dictatorship to prosper and to achieve success have been able to escape this fate. Today this law remains valid, although the cycle of its enforcement has been shortened. Gone are the days when dictatorships could be relied upon to achieve an amazing economic takeoff. The myth that dictatorship can produce efficiency has also gone broke. It is no wonder that

fewer and fewer people today are interested in this high-handed measure.

(2) The following questions need to be clarified: Is mankind destined only to develop the economy? Or should it have other, loftier desires to be fulfilled? Democracy has not only the advantage of stimulating production but also other values. It exhibits human dignity, embodies human rights, and reflects an all-round, harmonious, and free development of human personality. This is not empty talk. For this reason, the achievement of economic progress at the expense of democracy will have a harmful impact on countless generations to come.

It must be pointed out that many people have tended to underestimate and even to deny the value of democracy and have regarded it as merely a tactic to stimulate the economy under certain specific conditions. As a result, an unusual feature of political life has loomed large in our country: Whenever the economy deteriorates, democracy gains momentum; once the health of the economy is restored, the "leftist" trend of thought resurges and democracy again suffers the cold treatment and/or frustrations. Many people have viewed democracy as an expediency and a limited counterbalance against overbearing monarchy. A review of the twenty years between the founding of new China and the downfall of the "gang of four" shows that dictatorship steadily became predominant in our life. I am afraid this was a problem that was not caused by talking about democracy too much or too little. Is not the fact that many of our comrades have miscalculated the value of democracy sufficiently evident.

Democracy is a process. The existence of a close relationship between the development of democracy and the corresponding development of productive forces is an undeniable fact. But we must break with the mechanistic theory that a specific level of economic development should be matched by a corresponding level of government. Many wise people have told us that, in consideration of our current level of productive forces, the existing form of democracy in our country is sufficiently perfect, and that therefore any call for taking a step forward toward democracy is inappropriate because our urgent task is to develop the four modernizations program. I consider this conclusion unconvincing.

History shows that in those countries in which democracy was first introduced, the level of productive forces was not high during the early stage of their development; the industrial revolution came to these countries after the establishment of democratic systems rather than before. On the other hand, many industrialized nations still retain their autocratic form of government, which has been strengthened rather than weakened as a result of industrialization. Take the socialist countries, for example. Yugoslavia as a developing country is more democratic than the Soviet Union as a superpower. A look at the Soviet Union itself reveals that it was more democratic under the leadership of Lenin than it is today. For this reason, we have no reason to believe that our current form of democracy has reached a point beyond which our present level of productive forces cannot manage, nor should we have reason to believe that as the economy develops further, our country will become more democratic instead of being more dictatorial. It is certain that a specific level of the economy can impose a limit on the development of politics. In any given situation, it is very important to weigh many alternatives. Undemocratic political practices cannot be overcome as a result of economic growth. On the contrary, economic successes may sometimes cover up undemocratic practices or even encourage them behind the people's back. ✕

*The final three sections of Part II  
will appear in our next issue.*



# Response from *Red Flag*

Red Flag has published an article by Li Bu-yun and Zhou Yuanqing which seems intended as an answer to Hu Ping [16N 79838]. Although the writers do not mention him by name, the three issues they address appear to be his arguments.

The first point they "rebut" is that a meaningful distinction can be made between speech and acts (see p. 36). Li and Zhou: "It is obvious that they [meaning Hu?] totally separate erroneous views from erroneous acts, and completely deny the relation between the two." Actually, spreading counterrevolutionary ideas "must be regarded as a kind of social behavior or act."

Their second argument concerns Hu's point (p. 36) that, even if it were conceded that erroneous speech is punishable, it would be impossible to set criteria. Li and Zhou: Although laws should indeed be clear, "their clarity can only be relative and cannot possibly be absolute." If care is employed, one can distinguish the counterrevolutionary from the merely erroneous views.

The third question raised concerns the effect that suppressing certain people's freedom of speech has on everyone else. Li and Zhou: When speech is regulated according to law, "such restriction will enable all citizens to exercise their rights in a fuller, more extensive and more effective way." So long as the restrictions are legally and accurately applied, "the masses will never feel that they are being restricted in any way."

They conclude: The view that freedom can be exercised without restraint and that even counterrevolutionary views should not be made punishable is very wrong; it runs counter to the Marxist theory of the state and tries to be supraclass. "If we act on such a basis, the socialist cause will suffer extreme harm." ✕

## INTELLECTUALS, *cont'd from page 13*

they were 'liberal' in the Western sense in that they were concerned with intellectual and professional autonomy and they were 'liberal' in the traditional sense in that they sought to improve the prevailing system by expressing a variety of viewpoints within a broad ideological framework."

One should not categorize the writer Mao Dun on the basis of an interview he had with a foreign journalist. One should look at his actions over a number of years. Periodically

in the PRC he called for lifting of political controls in order for writers to express themselves more freely. It is true that the leaders of the liberal intellectuals in the early 1960's, Deng Tuo and Wu Han, had participated in the anti-rightist campaign against the intellectuals who bloomed in the Hundred Flowers of 1956 and the first half of 1957. However, in the early 1960's, Deng Tuo in his essays and Wu Han in his historical writings demanded that different viewpoints on political matters be expressed and listened to. Deng Tuo urged the party to "welcome miscellaneous scholars," by which he meant that intellectuals with alternative, unorthodox views should be listened to when making policy decisions. The quotes that Seymour uses to prove Deng Tuo's illiberalism are out of context. Deng Tuo's quote: "We need to study more, criticize less, and maintain a humble attitude" was not directed at his fellow intellectuals but at Mao. Deng Tuo's statement that Wu Han did not oppose the party and socialism was made after Yao Wenyuan's attack on Wu Han's play "The Dismissal of Hai Rui" launched the Cultural Revolution. To defend Wu Han against Mao's great power was not only an act of courage but a challenge to overpowering authority, the very acts that Seymour uses to describe liberal.

I agree with Seymour that Chinese cannot be neatly divided into pro- and anti-liberal. As Mao's illiberal side outweighed his liberal side, so too did Deng Tuo's and Wu Han's liberal side outweigh their illiberal side in the early 1960's.

The liberal intellectuals in my book are not liberal in the Western understanding of the term. They come out of a different history and work in a different framework. Nevertheless, though they operate within different institutional constraints and use ideological rather than legal means, they, like liberals in the West, engage in political debate and criticism. As the literati who advocated a variety of viewpoints within a broad Confucian context may be called liberal, the highly-placed intellectuals in the People's Republic of China who demanded a more open society, the expression of a wide range of views and the right to criticize one's leaders may also be termed liberal. Deng Tuo and Wu Han were to pay with their lives for having challenged Mao's power. To discount their efforts because they were Party members and held high positions not only obscures the variety of views at work in Chinese society (even in the party), but also demeans people who literally died to achieve values we take for granted in our society. ✕

# LEGEND

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ar autonomous region	I January	SC Sichuan Province
Aw Asiaweek	J June	SCM South China Morning Post
AWJ Asian Wall St. Journal	j July	SD Shandong
BJ Beijing (greater Peking)	JL Jilin Province	SH Greater Shanghai
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CAC Canada Asia Currents	K Kyodo	SS SPEAHR's private sources
CDM Monthly Bulletin Chinese Democratic Movement	KC Korea Communiqué	T Tibet (Xizang) ar
CLG Chinese Law & Gov't	KH Korea Herald	TC Taiwan Communiqué
CP China Post (Taipei)	LN Liaoning Province	TJ Greater Tianjin
CPC Communist Party of China	M March	TK Tokyo
CSM Christian Science Montr.	m May	TW Taiwan
D December	MD Mainichi Daily News	U USSR
DX Dongxiang (HK journal)	MPR Mongolian People's Rep.	UPI United Press Int'l.
FCW Free China Weekly (ROC)	MRK Monthly Rev Korean Afrs	v volume
FEE Far Eastern Econ. Review	N November	WB wan bao
FJ Fujian Province	NK North Korea	WP Washington Post
GD Guangdong Province	NL News & Letters (Detroit)	XH Xinhua/New C News Agency
GM Guangming Daily	NM Nei (Inner) Monggol ar	XJ Xinjiang (Uygur) ar
CS Cansu Province	NX Ningxia (Hui) ar	YN Yunnan Province
GX Guangxi Zhuang ar	NYT New York Times	Y RMB (PRC), yen (Japan)
GZ Guizhou Province	o October	ZJ Zhejiang Province
	PD People's Daily	ZM Zhengming (HK journal)

## GUIDE to the UNIVERSAL DECLARATION OF HUMAN RIGHTS

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SPEAHRhead is published by the Society for the Protection of East Asians' Human Rights, a non-partisan international organization which seeks to advance the cause of human rights in China, Taiwan, Mongolia, North and South Korea, and among the Asian ethnic minorities in the Soviet Union.

We view the struggle to promote human rights as virtually synonymous with the struggle to promote non-violence. Our conception of non-violence is a broad one. It is as violent to permit people to starve as it is to torture them, It is as violent to imprison people because of their beliefs as it is to kidnap them for ransom.

We are confident that the best solutions to social and economic problems will emerge from within societies, once the various political groups interact non-violently--i.e., respect each other's human rights. We are convinced that ruling groups waste much of their nations' resources and human energy when they attempt to eliminate dissent. And when a particular social policy is adopted simply because its advocates enjoy the preponderance of force, there is no reason to believe that the policy is more desirable for the people affected than alternative policies would be.

Only when the issues are debated by a public with access to a range of ideas and information do we have some reason to hope that the more socially advantageous paths will be followed by those in authority. ✕

## *Next SPEAHRhead*

In a few months we will issue another double issue, this time featuring a lengthy and important essay by the Chinese dissident Liu Qing. Mr. Liu, who was arrested after he released the transcript of Wei Jingsheng's trial (see SPEAHRhead nos. 10 and 11), wrote his own memoirs and smuggled them out of prison. We will publish most of them; they make fascinating and revealing reading.

In the same issue will appear: the conclusion of Hu Ping's "On Freedom of Speech," and an analysis of China's so-called "1980 reforms," along with our usual assortment of news and views concerning human rights conditions in the various parts of East Asia.

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